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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y LEE
Commissioner

THOMAS P MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 7, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular Meeting of December 3rd and 10, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Crime trends update
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
      - Status Report regarding Chief of Police executive search

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4. Discussion regarding Commission Office staffing (DISCUSSION ONLY)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case No. C08-181 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commission
      - Assignment of Disciplinary Charges filed in Case No. C08-137 KMO to an individual Commissioner for the taking of evidence on a date to be determined by the Commission
   b. Scheduling of items identified for consideration at future Commission meetings

6. Public Comment on all matters pertaining to Closed Session.

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

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8. Closed Session

   a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL
   State Farm Insurance Co. as Subrogee for Deo Dutt, Unlitigated Claim No. 09-01205

(OPEN SESSION)
Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. Approval of Consent Calendar (ACTION ITEM)
   a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   State Farm Insurance Co. as Subrogee for Deo Dutt, Unlitigated Claim No. 09-01205

11. **Adjournment** (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.**

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

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For information about the meeting call 553-1667 (v) or 553-9194 (tty)

JANUARY 7, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:58 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek

ADOPTION OF MINUTES

- **Regular Meeting of December 3rd and 10, 2008**

Motion by Commissioner Marshall, second by Commission DeJesus. Approved 6-0.

PUBLIC COMMENT

Daniel Landry congratulated the Chief on her upcoming retirement and talked about the upcoming search for the new Chief of Police.

Jeanette Berger stated that the new Chief should be someone within the Department.

Tom McCloskey, Assistant Patrol Special Officer, discussed concerns regarding new uniforms for Patrol Special Officers.

Unidentified discussed concerns.

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ROUTINE ADMINISTRATIVE BUSINESS (Taken out of order)

a. **Commission Announcements**

- **Assignment of Disciplinary Charges filed in Case No. C08-181 ALW to an individual Commission for the taking of evidence on a date to be determined by the Commission** (Resolution No. 1-09, Assigned to Commissioner Yvonne Y. Lee)
- **Assignment of Disciplinary Charges filed in Case No. C08-137 KMO to an individual Commission for the taking of evidence on a date to be determined by the Commission** (Resolution No. 2-09, Assigned to Commissioner Thomas Mazzucco)

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

a. **Chief's Report**

- **Update on significant policing efforts by Department members**
- **Crime trends update**

Chief Fong introduced the new MCD attorney, Mr. John Alden, who addressed the Commission and gave a brief bio.

Chief Fong then talked about events in the past weeks. She also stated that in February, there will be a report in regards to the one-year zone strategy implementation. Commissioner Sparks asked that the clearance rate be included in the report.

Commander Murphy gave a brief report in regards to homicide rates as compared to 2007 and stated a more detailed report will be presented to the Commission in February.

Commissioner Sparks asked about the study in regards to Patrol Specials. Commander Tong stated that the draft and scope has been sent to the Controller's Office for their review.

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b. OCC Director's Report
- Review of Recent Activities

Director Joyce Hicks talked about mediation and stated that in 2008 there were 71 cases mediated as compared to 47 cases in 2007. Director Hicks stated that she will present a report in regards to mediation sometime this month. Director Hicks also stated that the OCC opened 1,021 cases in 2008 and closed 1,095 cases. She also commended the staff of the OCC for their hard work and commended the Department for working with the OCC.

Chief Fong explained the process after the Department is provided with the Early Warning System report from OCC and went on to explain about the interim Early Intervention System.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
- Status Report regarding Chief of Police executive search

Commissioner Sparks announced that the PERF Steering Committee meeting will be on January 16th to discuss recommendations.

Commissioner Sparks also announced that the final report in regards to the Safety Camera will be release on Friday, January 9th, and the Commission will have a hearing on January 14th.

Commissioner Sparks stated that she met with the Mayor in regards to executive search for Chief of Police. Commissioner Lee will be working on setting up community meetings to get public input. Commissioner Sparks also stated that she met with the POA to ask the POA to provide the Commission with a profile of what the want to see with the new Chief of Police. Commissioner Sparks stated that once a profile is provided, the Commission will get a search firm on board and then the Commission will conduct the interviews. The Commission will also keep the Mayor's Office fully informed as the process goes forward.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS (continued:)
b. Scheduling of items identified for consideration at future Commission meetings

Commissioner Sparks stated that she would like to meet with Lt. Reilly to schedule the reassignment of case assigned to former Commissioner Campos.

Community Meeting will be on the 21st of January, Tenderloin District, Tenderloin Elementary School, 627 Turk Street. On the 28th there will be an open Commission Meeting on the 28th to hear a disciplinary matter.

Commissioner DeJesus would like to revisit the Copley matter sometime in March. She also would like an EIS update sometime in March. Commissioner DeJesus also would like a PAL report.

PUBLIC COMMENT
Stella Johnson discussed concerns.

DISCUSSION REGARDING COMMISSION OFFICE STAFFING

Commissioner Sparks talked about splitting the Secretary's position to an Executive Director and a Commission Liaison with the rank of Sergeant or Lieutenant. Commissioner DeJesus will be working with Director Villagomez.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Stella Johnson discussed concerns with State Farm Insurance.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 6-0.

CLOSED SESSION (7:38 p.m. to 7:47 p.m.)

a. CONFERENCE WITH LEGAL COUNSEL
State Farm Insurance Co. as Subrogee for Deo Dutt, Unlitigated Claim No. 09-01205

(Present: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Deputy City Attorney Stump, Lieutenant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner DeJesus for non disclosure. Approved 6-0.

APPROVAL OF CONSENT CALENDAR

a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
State Farm Insurance Co. as Subrogee for Deo Dutt, Unlitigated Claim No. 09-01205

RESOLUTION NO. 3-09

STATE FARM INSURANCE CO. AS SUBROGEE FOR DEO DUTT

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "State Farm Insurance Co. as Subrogee for Deo Dutt," in Unlitigated Claim No. 09-01205, be, and the same is hereby approved.

Date of Incident: March 1, 2008

AYES: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

Thereafter, the meeting was adjourned at 7:49 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 14, 2009
5:00 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

The Commission will move the agenda to Item No. 4 at 5:30 p.m.

Pledge of Allegiance; Roll Call

1. **Adoption of Minutes** (ACTION ITEM)
   - Meeting December 29, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
        - Rules and procedures for Patrol Specials
        - Commission Office staffing
        - Subcommittee on Violent Crime

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4. Presentation of the CITRIS Report: The San Francisco Community Safety Camera Program (DISCUSSION ONLY)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case No. C08-170 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commission
   b. Scheduling of items identified for consideration at future Commission meetings

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 14, 2009
5:00 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Public Comment on all matters pertaining to Closed Session.

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

8. Closed Session

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C06-183 JCT (ACTION ITEM)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (DISCUSSION ONLY)
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 09-001)

(OPEN SESSION)
Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

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PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Northern District, at the Tenderloin Elementary School, 627 Turk Street, San Francisco, at 6:00 p.m., on Wednesday, January 21, 2009, to hear comments from the public and Northern Station Captain Croce Casciato concerning public protections issues in the Northern District.

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JANUARY 14, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:22 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, DeJesus, Lee, Mazzucco, Onek
ABSENT: Commissioner Marshall

ADOPTION OF MINUTES

- **Meeting of December 29, 2008**

Motion by Commissioner Lee, second by Commissioner Mazzucco. Approved 5-0.

PUBLIC COMMENT

Lea Militello, Pride Alliance, thanked Chief Fong, on behalf of the Pride Alliance membership, for her leadership. Lt. Militello also thanked the Commission for initiating the search for the new Chief of Police.

Sylvia Johnson discussed concerns

Roberto Ortega, Assistant Patrol Special, requested an extension from the Commission in regards to implementation of the new interim rules and procedures for patrol special officers and their assistants.

PRESENTATION OF THE CITRIS REPORT: THE SAN FRANCISCO COMMUNITY SAFETY CAMERA PROGRAM

Ms. Linda Young, City Administrator's Office, and introduced three researchers from Berkeley's Center for information Technology Research in the Interest of Society to talk about their findings: Mr. Steven Rafael, Jennifer King, Detra Mulligan.

Mr. Ed Lee, City Administrator, addressed the Commission and thanked the CITRIS team, the Department, and everybody that was involved in this study.

Lieutenant Neville Gittens addressed the Commission as to what he has been doing in regards to the project.

Commissioner Sparks asked Lt. Gittens as to what his plans are as far as the camera system and what would his recommendation be. Lt. Gittens stated that first there were some questions from the Department as to who the point person is and as to how the system works. He stated that he met with the lieutenants involved about what their issues were in the past and how it can be improved on in the future. Lt. Gittens also stated that the part about how to get the video is not clear and that he plans to come up with policies and procedures so that everybody in the Department will know how to get what they need in terms of the footage. He also stated that he plans to meet with DEM to find out if they have any issues in dealing with the Department and try to streamline the process. He will also meet with DTIS to talk about the storage problem.

Commissioner Sparks recommended to meet with stakeholders to let them know what the results of the studies are and to get feedback from them. Commissioner Sparks stated that the Department needs to find out fundamentally whether or not the cameras fit with the overall crime strategy of San Francisco.

Chief Fong stated that 60 days as a time frame to look into the camera project and then report to the Commission as to findings. Commissioner Sparks stated that around mid-March for the status report on the cameras.

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Commissioner Sparks also would like a report in regards to shot spotters.

Commissioner Sparks asked Professor Rafael for an economic analysis that could be drawn and Professor Rafael stated he could get a number and will write a memo to the Commission.

Commissioner Sparks thanked the Citris Team for a report that was well done and thanked Ed Lee and his team for all the work done.

PUBLIC COMMENT

Sylvia Johnson discussed concerns.

Elizabeth Citrin discussed concerns that the cameras do not work and so the city should not have them and funding should be used to make the citizens safer.

Dennis McNally, ACLU member, discussed concerns that the cameras do not work and asked the Commission to deeply reconsider using the cameras and using the money for more police officers, more lighting, and community policing.

Chris Cohen discussed concerns and urged the Commission to use funding for more police and better lighting.

Unidentified, Western Addition, discussed concerns and stated money could be used for more community policing and better lighting.

Dr. Sean Levy, pediatrician, asked that the money be used for better methods to make the citizens safer.

Nicole, ACLU, stated that studies have shown that the cameras do not prevent crime and stated that studies have shown that better lighting have an average of 20 percent reduction including violent crime.

Commissioner Sparks explained that she does not want the community to get the impression that the Commission wants the program to go forward. She explained that what the Commission needs to know is if the Department recommends that this be an on-going program, why does it make sense to continue the program. Commissioner Sparks stated that she is not inclined to shut down the program at this time but stated that there needs to be a defined time frame within which the Commission can make the decision whether or not to shut it down or continue it.

Commissioner Mazzucco stated he would like to hear from someone who lives in the area of where the cameras are or someone who have been victimized by a crime and how they feel about the cameras.

Commissioner Lee stated that she wants to make the public know that the Commission has not made a decision as to whether or not to keep or shut off the cameras. She stated that she is willing to wait six weeks until the Lieutenant comes back with his recommendations.

Commissioner DeJesus stated that she agrees with Commissioners Lee and Sparks that there is no consensus as to whether or not to keep or not keep the cameras. Tonight's meeting is just to discuss the report.

PUBLIC COMMENT (continued:)

Patrol Special McCloskey announced the passing of Patrol Special Officer Robert Hart.

Commissioner Sparks thanked PSO McCloskey for his words and stated that the Commission sends its condolences to the Hart family and stated that the Commission will adjourn the meeting in memory of PSO Robert Hart.

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members

Deputy Chief Shinn, Investigations, presented a preliminary annual report on Part 1 crimes:

	2007	2008
Homicides	98	97
Forceful rapes	159	181
Robberies	3,860	3,995
Aggravated assaults	2,089	2,095
Burglaries	5,271	5,304
Auto Burglaries	13,521	12,010
Other larceny	11,579	12,285
Motor vehicle theft	6,235	5,793
Arson	248	244

Chief Shinn stated he will scheduled the report after he gets the totals from all the units.

Commissioner Sparks stated that it will be on the calendar for February 11th along with zone strategy.

Assistant Chief Lynch stated that the report for the11th will be a 12-month crime analysis and data is collected up to February 5th. He stated that he does not think that the report can be done by the 11th. Commissioner Sparks stated that she will move it one week to the 18th of February.

Chief Fong announced that tonight is Law Enforcement Night at the Warriors game and two SFPD officers will be honored, Officer Tuvera and Officer Birco.

PUBLIC COMMENT
None

b. OCC Director's Report
- Review of recent activities

Director Hicks talked about mediation and stated that last year there were 197 officers eligible for mediation and only 15 refused making it a 92 percent participation rate. Director Hicks also talked about the number of days to closed mediated cases, median 67 days, average 86 day; all other closures 162 days, average 216 days. Director Hicks also talked about cases opened and closed.

Director Hicks also talked about the 2009/2010 OCC budget and asked the Commission for elimination of three vacant positions that she believes she will not be able to fill. This is to meet the budget reduction target.

Commissioner Sparks asked that the item be calendared for next week's meeting. Commissioner Sparks also would like to talk about mediation some time in February to talked about eligibility requirements and eligibility of cases that are now on the Commission's docket.

PUBLIC COMMENT
None

c. Commission Reports
- Commission President's Report
- Commissioners' Report
Status Report
- Chief of Police executive search

- **Organizational and other contemporary studies**
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**
- **Subcommittee on Violent Crime**

Commissioner Sparks gave an update as to the executive search for Chief of Police. She stated that a questionnaire went out to the pre-qualified search firms and the Department received responses from five of the ten firms. She will put an action item next week to select a search firm.

Commissioner Onek reported on the organizational studies and stated that there will be a steering committee meeting on Friday. He stated that the recommendations will be implemented and the Commission will be looking for someone to continue the work of Chief Fong in working with implementing the recommendations.

Commissioner Mazzucco reported on the rules and procedures for Patrol Specials. Commander Tong reported on contract negotiations.

Commissioner Lee requested that some of the general orders dealing with officer-involved shootings be posted on the Department's website.

PUBLIC COMMENT
None

Routine Administrative Business

a. **Commission Announcements**

- **Assignment of Disciplinary Charges field in Case No. C08-170 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commission** (Resolution 4-09, Assigned to Commissioner Joe Marshall)

b. **Scheduling of items identified for consideration at future Commission meetings**

Budget for OCC and the Department to be scheduled on the 28th of January and the 11th of February.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 5-0.

CLOSED SESSION (8:22 p.m. to 10:00 p.m.)

a. **Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C06-183 JCT** (Resolution 5-09)

(Present: Commissioners Sparks, DeJesus, Lee, Mazzucco, Onek, Deputy City Attorney Delvanthal, Lieutenant Reilly, Attorney Hinckley, Attorney O'Haire)

b. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police; Review of findings and decision to return officer to duty following officer involved shooting** (OIS Case No. 09-001)

(Present: Commissioners Sparks, DeJesus, Lee, Mazzucco, Onek, Chief Fong, Deputy City Attorney Stump, Lieutenant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner DeJesus for non disclosure. Approved 5-0.

ADJOURNMENT

Commissioner Sparks adjourned the meeting in memory of Patrol Special Robert Hart.

Motion by Commissioner Onek, second by Commissioner DeJesus. Approved 4-0.

Thereafter, the meeting was adjourned in memory of Patrol Special Robert Hart, at 10:22 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 21, 2009
6:00 p.m.

Tenderloin District
Tenderloin Elementary School
627 Turk Street
(between Polk & Van Ness Avenue)
San Francisco

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y LEE
Commissioner

THOMAS P MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

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Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Organizational and other contemporary studies
        - Commission Office staffing
        - Subcommittee on Violent Crimes

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2. Captain Gary Jimenez, Commanding Officer of Tenderloin Station, to address the Commission on Police Activities in the Tenderloin District (DISCUSSION ONLY)

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. Discussion and possible action to authorize the Department through the Controller's Office to enter into contract negotiations with a qualified Executive Search Firm for the recruitment of candidates for Chief of Police (ACTION ITEM)

5. Discussion and possible action to approve the OCC Director's recommendation to eliminate three (3) vacant staff positions in the 2009/2010 OCC budget (ACTION ITEM)

6. Discussion and possible action to modify the time line for compliance with the Interim Rules and Procedures for Patrol Special Officers and Their Assistant adopted in Police Commission Resolution No. 73-08 (ACTION ITEM)

7. **Routine Administrative Business** (Discussion Only)
   a. Commission Announcements
   b. Items identified for consideration at future Commission Meetings

8. **Adjournment**

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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The proceeding will be held at: Tenderloin Elementary School, 627 Turk Street

Accessible MUNI lines serving this location is: 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: _____

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

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JANUARY 21, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Tenderloin District, at the Tenderloin Elementary School, 627 Turk Street, San Francisco, at 6:14 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Mazzucco, Onek
ABSENT: Commissioner Lee

Commissioner Sparks welcomed the audience and asked the Commissioners to introduce themselves and give a brief bio.

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members

Chief Fong welcomed the audience and thanked them for their attendance. Chief Fong went on to introduce members of the command staff present. Present were Deputy Chief Cashman, Assistant Chief Lynch, Deputy Chief Keohane, Commander Murphy, Commander Harper, Deputy Chief Tabak, Commander Brown, Commander Tong, and Deputy Chief Shinn.

b. OCC Director's Report
- Review of recent activities

Ms. Ines Vargas Fraenkel, OCC Trial Attorney, for Director Hicks. Ms. Fraenkel described the duties and responsibilities of the Office of Citizen Complaints.

CAPTAIN GARY JIMENEZ, COMMANDING OFFICER OF TENDERLOIN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TENDERLOIN DISTRICT

Captain Jimenez, Commanding Officer of Tenderloin Station, addressed the Commission on police activities in the Tenderloin and described the demographics of the district.

Commissioner DeJesus requested that in the statistical report that there be a separate category for domestic violence.

Commissioner Sparks expressed concern in the increase on sexual assault crimes and the number of assault on officers. Commissioner Sparks stated that maybe the Commission should have a joint meeting with the Commission on Status of Women in regards to sexual assault crimes.

Commissioner Onek asked about statistics of crime committed by people from out of town. Captain Jimenez stated that he thinks that a number of people who commit the crimes in the Tenderloin come from outside the city but he does not have that statistics available.

Commissioner Onek also asked about the four homicides, four arrests. Captain Jimenez stated that witnesses were involved in solving those homicides and most of the time, witnesses waited for officers that they knew on their beat to tell the officers what they saw.

PUBLIC COMMENT

Edward Evans commended Captain Jimenez and the officers of Tenderloin Station for their hard work. He also discussed concerns regarding DGO 5.03 which prevents the officers from dealing with a lot of the problems

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related to loitering and asked for help from the Department for outreach to the neighborhood organizations. Mr. Evans also asked for more buy-bust operations and robbery abatement operations in the Tenderloin.

James Keys, member of Mental Health Board of San Francisco, discussed concerns regarding drug dealing in the Tenderloin and the lack of foot patrol in his neighborhood. Mr. Keys invited the Commission to attend a Mental Health Board meeting to talk about services provided and getting those services to other districts in need.

Cindy Brandon, Executive Director of SAFE, thanked Captain Jimenez and his staff for their involvement with Safe's neighborhood watch and personal safety presentations.

Pat Zamora, Director Tenderloin Clubhouse, thanked Captain Jimenez and his officers for their work in the community especially their work with young people.

Michael Nolte, Alliance for a Better District 6, discussed concerns about businesses closing and when businesses close, the cameras are not running to watch what goes on sidewalks. He also discussed concerns regarding a survey that 50 percent of residence in the Tenderloin do not feel safe on the block that they lived on. He also thanked Chief Fong for her work with the District 6 community.

Terrence Allen discussed concerns regarding loitering and stated that the Entertainment Commission is working with the Department to develop an anti-loitering legislation. He also went on to commend Captain Jimenez for his work with the community.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE DEPARTMENT THROUGH THE CONTROLLER'S OFFICE TO ENTER INTO CONTRACT NEGOTIATIONS WITH A QUALIFIED EXECUTIVE SEARCH FIRM FOR THE RECRUITMENT OF CANDIDATES FOR CHIEF OF POLICE

Motion by Commissioner Mazzucco, second by Commissioner DeJesus to select Bob Murray & Associates, along with PERF, for the recruitment of candidates for Chief of Police. Approved 5-0.

PUBLIC COMMENT

Terrence Allen suggested that the community be included in the selection process.

RESOLUTION NO. 6-09

APPROVAL TO AUTHORIZE THE POLICE DEPARTMENT THROUGH THE CONTROLLER'S OFFICE TO ENTER INTO CONTRACT NEGOTIATIONS WITH THE SEARCH FIRM OF BOB MURRAY & ASSOCIATES FOR THE RECRUITMENT OF CANDIDATES FOR CHIEF OF POLICE

RESOLVED, that the Police Commission hereby authorize the Police Department through the Controller's Office to enter into contract negotiations with the search firm of Bob Murray & Associates for the recruitment of candidates for Chief of Police.

AYES: Commissioners Sparks, Marshall, DeJesus, Mazzucco, Onek
ABSENT: Commissioner Lee

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE OCC DIRECTOR'S RECOMMENDATION TO ELIMINATE THREE (3) VACANT STAFF POSITIONS IN THE 2009/2010 OCC BUDGET

Ms. Fraenkel, for Director Hicks, presented the proposal to the Commission.

Commissioner DeJesus discussed concerns that the OCC will be understaffed.

Motion by Commissioner Marshall, second by Commissioner Mazzucco to accept the recommendation of the OCC Director.

PUBLIC COMMENT
Unidentified wanted to know what positions were being cut.

Ms. Fraenkel stated that positions being cut are one investigator, one senior investigator, and one senior clerk typist.

RESOLUTION NO. 7-09

APPROVAL OF THE OCC DIRECTOR'S RECOMMENDATION TO ELIMINATE THREE (3) VACANT STAFF POSITIONS IN THE 2009/2010 OCC BUDGET

RESOLVED, that the Police Commission hereby approves the OCC Director's recommendation to eliminate three (3) vacant staff positions in the 2009/2010 OCC Budget.

AYES: Commissioners Sparks, Marshall, Mazzucco, Onek
NAYS: Commissioner DeJesus
ABSENT: Commissioner Lee

DISCUSSION AND POSSIBLE ACTION TO MODIFY THE TIME LINE FOR COMPLIANCE WITH THE INTERIM RULES AND PROCEDURES FOR PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS ADOPTED IN POLICE COMMISSION RESOLUTION NO. 73-08

Commissioner Sparks explained that the interim rules adopted in December 2008 would go into effect January 30, 2009 and one of those rules is the change in uniforms.

Commander Tong stated that the request for time line change came from PSO Ortega and with that request, a letter from Galls Uniforms requesting the time line be extended to February 20th because they couldn't meet the deadline if all 40 patrol special officers would come in to have their uniforms revised.

Commissioner Sparks stated that she wants to make sure that if given the extension to February 15th, that the rules will be enforced by 0001 hours on February 16th.

Motion by Commissioner Sparks, second by Commissioner Marshall.

PUBLIC COMMENT
None

RESOLUTION NO. 8-09

APPROVAL TO MODIFY THE TIME LINE FOR COMPLIANCE WITH THE INTERIM RULES AND PROCEDURES FOR PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS ADOPTED IN POLICE COMMISSION RESOLUTION NO. 73-08 FROM JANUARY 30, 2009 TO FEBRUARY 16, 2009

RESOLVED, that the Police Commission hereby approves to modify the time line for compliance with the Interim Rules and Procedures for Patrol

Special Officers and Their Assistants, adopted in Police Commission Resolution No. 73-08, from January 30, 2009 to February 16, 2009.

AYES: Commissioners Sparks, Marshall, DeJesus, Mazzucco, Onek
ABSENT: Commissioner Lee

REPORTS TO THE COMMISSION (continued)

c. Commission Reports

- **Commission President's Report**
- **Commissioners' Reports**

Status Reports:

- **Organizational and other contemporary studies**
- **Commission Office staffing**
- **Subcommittee on Violent Crimes**

Organization & other contemporary studies:

Commissioner Sparks announced that she, along with Commissioner Onek, met with the steering committee for the organizational studies and that the committee came up with a plan to differentiate the recommendations for all 8 studies: (1) Procedural Recommendations, over 400 of the recommendations are procedural. (2) Commissioner Sparks also stated there are about 30 major policy studies to be had such as Tasers, the camera systems, reducing number of district stations, and putting the Chief of Police position on contract. (3) There are about 70 violence reduction recommendations. Commissioner Sparks also explained that there will be a phase implementation of various implementation in one or more police districts in the city to test the assumptions and the criteria under which these recommendations have been developed.

Commission Office staffing:

Commissioner DeJesus stated that she has a draft report of the job announcement for Department Liaison to the Commission position and is still working on the classification for Executive Director.

PUBLIC COMMENT

None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Items identified for consideration at future Commission Meetings

Commissioner Sparks announced that there is one unfilled position in the Commission and it is an appointment to be filled by the Board of Supervisors and that the Board will be advertising soon and anyone interested can go to the Clerk's Office of the Board of Supervisors for an application.

Commissioner DeJesus would like a presentation in regards to sexual assaults and domestic violence.

Commissioner Onek suggested that the Commission start to calendar some of the discussions in regards to policy implementation and also would like a presentation in regards to OCC's Mediation Program. Commissioner Onek also announced that next week PERF will be hosting a conference of Chiefs from around the country in Washington on the economic crisis and how that's affecting departments. He stated that he will attend along with Chief Fong.

Commissioner Sparks announced that at next week's meeting the hearing of the final officer involved in the fajita incident will be heard in open session.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 5-0.

Thereafter, the meeting was adjourned at 8:58 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 28, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular Meeting of January 7, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. Approval of Consent Calendar
   - Resolution awarding the following persons a Special Police Commission Commendation
     Rescue Captain Kevin Boone, SFFD
     Firefighter/Paramedic Megan Franzen, SFFD
     Firefighter/Paramedic Rita Kearns, SFFD
     Firefighter Donnie Hornbuckle, SFFD
     Captain Edward Roland, SFFD

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Department's Budget Update
   b. OCC Director's Report
      - Review of Recent Activities
      - OCC's Budget Update
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
        - Rules and procedures for Patrol Specials
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LIEUTENANT JOE KELLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 28, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case Nos. C08-166 & C08-167 RMW to an individual Commissioner for the taking of evidence on a date to be determined by the Commission
   b. Scheduling of items identified for consideration at future Commission meetings

The Commission may decide to consider Item No. 6, in whole or in part, in closed session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code Section 67.10(b). In which case:

a. Public Comment on all matters pertaining to the Closed Session.
b. Reconvene to Open Session:
   i. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a).

6. Hearing on disciplinary charges filed against Captain Gregory Corrales, File No. C04-123 JWF, filed on July 23, 2004 (ACTION ITEM)

7. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA (AMENDED)
REGULAR MEETING
WEDNESDAY, JANUARY 28, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular Meeting of January 7, 2009

2. **Public Comment**
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3. Approval of Consent Calendar:
   - Resolution awarding the following persons a Special Police Commission Commendation:
     Captain Edward Roland, SFFD;
     Rescue Captain Kevin Boone, SFFD;
     Firefighter/Paramedic Megan Franzen, SFFD;
     Firefighter Donnie Hornbuckle, SFFD;
     Firefighter/Paramedic Rita Kearns, SFFD

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
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        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
        - Rules and procedures for Patrol Specials
        - Commission Office staffing
        - Subcommittee on Violent Crime

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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DR. JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA (AMENDED)
REGULAR MEETING
WEDNESDAY, JANUARY 28, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case Nos. C08-166 & C08-167 RMW to an individual Commissioner for the taking of evidence on a date to be determined by the Commission
   b. Scheduling of items identified for consideration at future Commission meetings

The Commission may decide to consider Item No. 6 and Item No. 7, in whole or in part, in closed session pursuant to Government Code section 54957(b)(1), S.F. Administrative Code Section 67.10(b), and (for Item No. 7) Penal Code section 832.7. In which case:

   a. Public Comment on all matters pertaining to the Closed Session.
   b. Vote on whether to hold Closed Session (San Francisco Administrative Code Section 67.10)(ACTION ITEM)
   c. Reconvene to Open Session:
      i. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b).
      ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a).

6. Hearing on disciplinary charges filed against Captain Gregory Corrales, File No. C04-123 JWF, filed on July 23, 2004 (ACTION ITEM)

7. Discussion and possible action to adopt Statement of Decision denying Motion to Dismiss disciplinary charges filed in Disciplinary Case nos. C06-181, C06-183, C06-184, C06-185, C06-186 and C06-187 JCT, heard December 10, 2008 (ACTION ITEM)

8. **Adjournment** (ACTION ITEM)

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JANUARY 28, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:41 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, DeJesus, Lee, Mazzucco
ABSENT: Commissioners Sparks, Onek

ADOPTION OF MINUTES

- **Regular Meeting of January 7, 2009**

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 4-0.

PUBLIC COMMENT

Gurinder Singh Kang discussed concerns.

Reuben Goodman commended Chief Fong and discussed concerns regarding youth-on-youth violence.

APPROVAL OF CONSENT CALENDAR

- **Resolution awarding the following persons a Special Police Commission Commendation: Captain Edward Roland, SFFD; Rescue Captain Kevin Boone, SFFD; Firefighter/Paramedic Megan Franzen, SFFD; Firefighter Donnie Hornbuckle, SFFD; Firefighter/Paramedic Rita Kearns, SFFD**

Motion by Commissioner Lee, second by Commissioner Mazzucco. Approved 4-0.

RESOLUTION NO. 9-09

APPROVAL TO AWARD THE FOLLOWING PERSONS A SPECIAL POLICE COMMISSION COMMENDATION: CAPTAIN EDWARD ROLAND, SFFD; RESCUE CAPTAIN KEVIN BOONE, SFFD; FIREFIGHTER/PARAMEDIC MEGAN FRANZEN, SFFD; FIREFIGHTER DONNIE HORNBUCKLE, SFFD; AND FIREFIGHTER/PARAMEDIC RITA KEARNS, SFFD

RESOLVED, that the Police Commission hereby approves to award the following persons a Special Police Commission Commendation: Captain Edward Roland, SFFD; Rescue Captain Kevin Boone, SFFD; Firefighter/Paramedic Megan Franzen, SFFD; Firefighter Donnie Hornbuckle, SFFD; and Firefighter/Paramedic Rita Kearns, SFFD.

AYES: Commissioners Marshall DeJesus, Lee, Mazzucco
ABSENT: Commissioners Sparks, Onek

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Department's Budget Update**

Assistant Chief Lynch, for Chief Fong, highlighted some of the great work done by the members of the Department.

Mr. Ken Bukowski, Chief Financial Officer, presented the update of the Department's budget of 2009/2010.

Commissioner DeJesus asked about the budget for technology.

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Director Bukowski stated that the technology budget on the supplies and contractual service side is pretty much unchanged and the Department is able to continued doing what it needs to do within the budget amount it has. However, it might be different if there is a CIO in place who might have some other ideas that might need additional staffing.

Commissioner Lee discussed full staffing and the number 1,971 does not include potential upcoming retirements. Commissioner Lee also discussed capital improvements and charges for police services.

b. OCC Director's Report
- **Review of Recent Activities**
- **OCC's Budget Update**

Director Hicks presented the OCC's budget update.

Commissioner DeJesus discussed concerns regarding the cutting of OCC staffing. Commissioner DeJesus also discussed the reclassification of the OCC Director and asked that funds be bookmarked for next year's budget.

c. Commission Reports
- **Commission President's Report**
- **Commissioner's Reports**

Status Reports:
- **Chief of Police executive search**
- **Organizational and other contemporary studies**
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**
- **Subcommittee on Violent Crime**

Commissioner Marshall thanked the Gang Task Force Unit for inviting him to speak at their monthly meeting.

Commissioner DeJesus reported on the Commission office staffing and stated that there is a draft of the job description of the lieutenant's job and a draft for the manager's position.

PUBLIC COMMENT

Sylvia Johnson discussed concerns.

DISCUSSION AND POSSIBLE ACTION TO ADOPT STATEMENT OF DECISION DENYING MOTION TO DISMISS DISCIPLINARY CHARGES FILED IN DISCIPLINARY CASE NOS. C06-181, C06-18, C06-184, C06-185, C06-186, AND C06-187 JCT, HEARD DECEMBER 10, 2008

Taken out of order.

Continued to a future hearing date.

ROUTINE ADMINISTRATIVE BUSINESS

a Commission Announcements
- **Assignment of Disciplinary Charges filed in Case Nos. C08-166 & C08-167 RMW to an individual Commission for the taking of evidence on a date to be determined by the Commissioner**
(Assigned to Commissioner David Onek, Resolution No. 10-09)

b. Scheduling of items identified for consideration at future Commission meetings

Commissioner DeJesus would like a presentation from the PAL.

PUBLIC COMMENT

Sylvia Johnson discussed concerns.

HEARING ON DISCIPLINARY CHARGES FILED AGAINST CAPTAIN GREGORY CORRALES, FILE NO. C04-123 JWF, FILED ON JULY 23, 2004

(The hearing of Captain Corrales was taken in shorthand form by Ms. Anna Greenley, CSR.)

Ms. Cecily Gray, Attorney at Law, appeared on behalf of the Office of Citizen Complaints.

Mr. Bill Fazio, Attorney at Law, appeared on behalf of Captain Gregory Corrales.

PUBLIC COMMENT

Reuben Goodman commended Captain Corrales for having an open hearing and stated that there should be more freedom for employees to speak to the press.

Sylvia Johnson discussed concerns.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 4-0.

Thereafter, the meeting was adjourned at 7:31 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 4, 2009
7:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Department's Budget Update
   b. OCC Director's Report
      - Review of Recent Activities
      - OCC's Budget Update
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
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        - Subcommittee on Violent Crime

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3. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case Nos. C08-166 & C08-167 RMW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

4. Public Comment on all matters pertaining to Closed Session.

5. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 4, 2009
7:30 p.m.

CITY HALL, ROOM 400
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6. Closed Session

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   Discussion and possible action to adopt Statement of Decision denying Motion to Dismiss disciplinary charges filed in Disciplinary Case Nos. C06-181, C06-183, C06-184, C06-185, C06-186 and C06-187 JCT, heard December 10, 2008 (ACTION ITEM)

   b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL:
   Alemozaffar v. City and County of San Francisco, U.S. District Court No. C07-04494

(OPEN SESSION)
Roll Call.

7. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

8. **Approval of Consent Calendar** (ACTION ITEM)
   a. Recommend that the Board of Supervisors approve a proposed settlement under Federal Rule of Civil Procedure 68 in the following case in accordance with the advice of the City Attorney:
   Alemozaffar v. City and County of San Francisco, U.S. District Court No. C07-04494

9. **Adjournment** (ACTION ITEM)

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REGULAR MEETING

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5. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

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Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE RIELLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 4, 2009
7:30 p.m.
(Please note later start time)

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
        - Rules and procedures for Patrol Specials
        - Commission Office staffing
        - Subcommittee on Violent Crime

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3. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case No. C08-177 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

4. Public Comment on all matters pertaining to Closed Session.

5. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 4, 2009
7:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Closed Session

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   Discussion and possible action to adopt Statement of Decision denying Motion to Dismiss disciplinary charges filed in Disciplinary Case Nos. C06-181, C06-183, C06-184, C06-185, C06-186 and C06-187 JCT, heard December 10, 2008 (ACTION ITEM)

   b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL:
   Alemozaffar v. City and County of San Francisco, U.S. District Court No. C07-04494

(OPEN SESSION)
Roll Call.

7. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

8. **Approval of Consent Calendar** (ACTION ITEM)
   a. Recommend that the Board of Supervisors approve a proposed settlement under Federal Rule of Civil Procedure 68 in the following case in accordance with the advice of the City Attorney:
   Alemozaffar v. City and County of San Francisco, U.S. District Court No. C07-04494

9. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 11, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular meetings of January14th and 21, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Police Commission's 4th Quarter Report of Closed Session Disciplinary Actions (Veronese Resolution)

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Department's Budget Update
      - Presentation of the 3rd and 4th Quarter FDRB Findings & Recommendations
      - Presentation of the Officer-Involved Shooting Investigation Status Summary

   b. **OCC Director's Report**
      - Review of Recent Activities
      - OCC's Budget Update

   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
        - Rules and procedures for Patrol Specials
        - Commission Office staffing
        - Subcommittee on Violent Crime
      - Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 11, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Update Presentation by Dr. Lorie Fridell on the work of the Fair and Impartial Policing Advisory Group (DISCUSSION ONLY)

6. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   - Assignment of Disciplinary Charges filed in Case No. C08-203 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

7. Public Comment on all matters pertaining to Closed Session.

8. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

9. Closed Session
   a. Pursuant to Government Code sections 54957(b), and S.F. Administrative Code sections 67.10(b), Penal Code 832.7:
   Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C08-203 ALW (ACTION ITEM)

(OPEN SESSION)

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. **Adjournment** (ACTION ITEM)

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REGULAR MEETING

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FEBRUARY 11, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:39 p.m., in a Regular Meeting.

PRESENT: Commissioners DeJesus, Lee, Mazzucco, Onek
ABSENT: Commissioners Sparks, Marshall

ADOPTION OF MINUTES

- **Regular meetings of January 14th and 21, 2009**

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 4-0.

PUBLIC COMMENT

Frank Martin Del Campo, SEIU, discussed concerns regarding dispute with the Department and the Payroll Unit.

Theresa Lang, Payroll Clerk, discussed concerns regarding unpaid overtime work due to staff shortages.

David Gonzalez, Payroll Clerk, discussed concerns regarding unpaid overtime work.

Fionnuala Campbell, Payroll Clerk, discussed concerns regarding unpaid overtime work.

Petra Diao, Sr. Payroll Clerk, discussed concerns about bringing work home to finish the work by the end of the pay period.

Leticia Hutchinson, Payroll Clerk, discussed concerns regarding unpaid overtime work.

So-Fong Yip, Payroll Clerk, discussed concerns regarding unpaid overtime work.

Reuben Goodman announced a vigil for Anita Gaye.

Deputy Chief Keohane responded in regards to issues brought by the Payroll Clerks. Chief Keohane stated that he met with the payroll clerks and discussed that in order to pay claims for past work, documentation is needed. He also stated that he will meet with Director Villagomez and will work with the Union in order to resolved this matter.

Commissioner DeJesus asked about shortage in staffing. Deputy Chief Keohane stated that the Department is short of a Payroll Manager, a Supervisor, and one clerk.

Commissioner Lee asked about better technology. Deputy Chief Keohane stated that the department is in the process of having a new human resources management system and hopefully this new system will streamline the payroll process.

Mr. Del Campo discussed concerns regarding the accuracy of presentation made by the Deputy Chief. Commissioner DeJesus asked that this item be calendared for a status report maybe next week.

CONSENT CALENDAR

- **Police commission's 4th Quarter Report of Closed Session Disciplinary Actions (Veronese Resolution)**

Received and filed.

REPORTS TO THE COMMISSION

a. **Chief's Report**

- **Update on significant policing efforts by Department members**

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- **Department's Budget Update**
- **Presentation of the 3rd and 4th Quarter FDRB Findings & Recommendations**
- **Presentation of the Officer-Involved Shooting Investigation Status Summary**

Chief Fong stated that next week the Department will be presenting a report on the implementation of the zone strategy.

Commissioner Onek requested that a copy of the report be sent to the Commission prior to the presentation next week.

Mr. Ken Bukowski, Chief Financial Officer, presented the budget update. Mr. Bukowski presented the following budget timeline:

February 11 - Commission budget presentation
February 18 - Commission final review and approval of budget
February 20 - Budget due to Mayor's Office and Controller
March/April - Possible initial budget hearings by the Board
June 1 - Mayor's Office submits budget to the Board
Approximately June 15 to June 30 - Board hearings on budget
July - Adoption of final budget by the Board

Sergeant Mike Nevin, MCD, presented the 3rd and 4th Quarter FDRB Findings and Recommendations and the OIS Investigation and Status Summary.

b. OCC Director's Report
- **Review of recent activities**
- **OCC's Budget Update**

Director Hicks presented the OCC's Budget Update. Direction Hicks also talked about the success of the Mediation Program. She stated that the success is due to three factors: (1) 92 percent eligible officer cooperation rate; (2) A dedicated group of volunteer mediators; and (3) the dedicated attorney position for mediation.

Commissioner DeJesus discussed concerns regarding the budget cuts for the OCC.

Commissioner Mazzucco expressed the same concern that the budget cuts will affect the mediation program.

Commissioner Onek also expressed the same concern and expressed his strong support for the mediation program and that it should be expanded and not cut back. Commissioner Onek also asked for a presentation on the mediation program as soon a possible so that the more people can be aware of it.

Director Hicks stated that she would like the budget approved next week and that she will present the OCC's Annual Report along with the presentation on the mediation program on March 11th.

Director Hicks also reported on cases closed. She stated that there were 116 cases closed this year; 385 cases pending, 289 from 2008 and 96 from 2009. She stated that there is an average of 23 case load per investigators.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**
- **Status Reports:**

- **Chief of Police executive search**
- **Organizational and other contemporary studies**
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**
- **Subcommittee on Violent Crime**

Commissioner Lee reported on the executive search for Chief of Police. She stated that she met with various police employee groups today and will have a follow-up meeting in mid March. She also announced that the Commission will have various community meetings in regards to the search and the first one will be on the 19th of February to be held at So. Beach Harbor, in Pier 40.

Commissioner Onek reported on implementation of recommendations from the PERF study.

Commissioner Mazzucco reported on the patrol specials rules and procedures. Commissioner Mazzucco also sent his regards to the Cesari Family.

Commissioner DeJesus reported in regards to Commission Office staffing and stated she would like to meet with the Department, Ken Bukowski, and the Mayor's Office in regards to funding of staff for the Commission office.

- **Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)**

Captain Gonzalez, Planning Division, presented the report regarding Policy Proposals.

Ms. Elise Nicholson, OCC Attorney, commented on DGO 7.01, Juvenile and will report back to the Commission on March 18th, and talked about DGO 5.20, Language Access.

Officer Lisa Torres updated the Commission in regards to DGO 5.20, Language Access.

Ms. Nicholson, OCC, updated the Commission in regards to DGO 5.20, Language Access.

Ms. Carol Mo commented in regards to DGO 5.20.
Ms. Wendy Ling commented in regards to the Language Access brochure.
Ms. Angela Chan, Asian Law Caucus, commented in regards to the Language Access DGO.

Commissioner Lee asked about cell phones and suggested going through the private sector to access cell phones. Captain Gonzalez explained that it is not the cell phones but the getting the service for the cell phones and getting the money for funding.

Commissioner Onek commended the Department, the OCC, and the community groups involved with this project and that this is a great accomplishment.

Received and filed.

PUBLIC COMMENT
None

UPDATE PRESENTATION BY DR. LORIE FRIDELL ON THE WORK OF THE FAIR AND IMPARTIAL POLICING ADVISORY GROUP

Dr. Lorie Fridell presented the update on the work of the Fair and Impartial Policing Advisory Group.

Commissioner Onek stated that he had met with Dr. Fridell earlier today and stated that these types of cases would be perfect for mediation.

PUBLIC COMMENT

Angela Chan stated that she'll be happy to invite the community members that were present at the Board of Supervisors' meeting to come and voice their concerns in front of the Commission.

Reuben Goodman discussed concerns regarding racial profiling around the city.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of Disciplinary Charges filed in Case No. C08-203 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
  (Resolution No. 14-09, Assigned to Commissioner DeJesus)

b. Scheduling of items identified for consideration at future Commission Meetings

Community Meetings for this week in regards to the executive search for Chief of Police:

February 19th, Harbor Master's Community Room, 6 p.m.
February 23rd, Richmond Recreation Center, 6 p.m.
February 24th, Southeast Community Facility, 6 p.m.
February 25th, Normal community meeting, St. Mary's Cathedral, 6 p.m

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 4-0.

CLOSED SESSION (8:15 p.m. to 8:29 p.m.)

a. Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C08-203 ALW
(Resolution No. 15-09)

(Present Commissioners DeJesus, Lee, Mazzucco, Onek, Deputy City Attorney Stump, Lieutenant Reilly, Attorney Worsham, Mr. Steve Johnson)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco for non disclosure, second by Commissioner Onek. Approved 4-0.

ADJOURNMENT

Motion by Commissioner Mazzucco to adjourn the meeting in honor of former SF Police Officer Ralph Cesari who passed away recently, second by Commissioner Lee. Approved 4-0.

Thereafter, the meeting was adjourned in memory of Officer Ralph Cesari at 8:32 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 18, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular meeting of January 28, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - 2008 Crime trends and Homicide Overview
      - 2008 Violence Reduction Plan report
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
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        - Organizational and other contemporary studies
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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 18, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

4. Discussion and possible action to approve the San Francisco Police Department's budget for fiscal year 2009/2010 (ACTION ITEM)

5. Discussion and possible action to approve the Office of Citizen Complaints' budget for fiscal year 2009/2010 (ACTION ITEM)

6. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

7. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

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The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission 47 Van Ness, 5 Fulton, 31 Balboa

For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

FEBRUARY 18, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5: 49 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek

Presentation of Citizens' Commendation

Chief Fong introduced Captain Casciato to present Certificates of Appreciation to Security Officers Vladimir Samokin, Ron Carolina, and Mr. Steven Hart for their actions on January 1, 2009.

Commissioner Sparks thanked Mr. Samokin, Mr. Carolina, and Mr. Hart on behalf of the Commission.

ADOPTION OF MINUTES

- **Regular Meeting of January 28, 2009**

Motion by Commissioner Lee, second by Commissioner Mazzucco. Approved 6-0.

PUBLIC COMMENT

Sylvia Johnson discussed concerns.

Jeanette Burger discussed concerns regarding search for the Chief of Police and venues of meetings.

Diane Greer asked for community policing for the Potrero Hill neighborhood.

Unidentified discussed concerns.

Doug Mylar, Private Investigator, discussed concerns regarding the Garnier case.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE SAN FRANCISCO DEPARTMENT'S BUDGET FOR FISCAL YEAR 2009/2010

Taken out of order

Mr. Ken Bukowski, CFO, presented the Department's budget for fiscal year 2009/2010.

Motion by Commissioner DeJesus, second by Commissioner Lee. Approved 6–0.

RESOLUTION NO. 16-09

APPROVAL OF THE SFPD BUDGET FOR FISCAL YEAR 2009/2010

RESOLVED that the Police Commission hereby approves the SFPD budget for fiscal year 2009/2010.

AYES: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE OFFICE OF CITIZEN COMPLAINTS' BUDGET FOR FISCAL YEAR 2009/2010

Director Joyce Hicks presented the OCC's budget for fiscal year 2009/2010.

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Commissioner Sparks discussed concerns regarding cutback in personnel. Director Hicks stated that it will impact the Mediation Program since there will be no dedicated mediator to handle it.

Commissioner DeJesus also discussed concerns regarding the impact to the Mediation Program.

Commissioner Onek expressed strong support for the Mediation Program, but expressed concern that the City Attorney was not present to advise the Commission on the implications of moving the budget forward without recommendation.

Commissioner Mazzucco also expressed concern regarding the impact to the Mediation Program and stated that the budget should be passed without a recommendation.

Commissioner Lee suggested passing the budget with some kind of qualifying statement about the Commission's concerns of the impact to the Mediation Program.

Commissioner DeJesus suggested that the Director move the budget forward without the Commission's recommendation.

Motion by Commissioner DeJesus that the Director move the budget forward without the Commission's recommendation, second by Commissioner Mazzucco.

RESOLUTION NO. 17-09

APPROVAL OF THE OCC BUDGET FOR FISCAL YEAR 2009-2010

RESOLVED that the Police Commission hereby approves the OCC budget for fiscal year 2009/2010 without recommendation; and further that the reason the Commission does not recommend this budget is because of the adverse impact that the loss of a Staff Attorney position would cause to the OCC's Mediation Program.

AYES: Commissioners Sparks, Marshall, DeJesus, Mazzucco
NAYS: Commissioners Lee, Onek

PUBLIC COMMENT
Sylvia Johnson discussed concerns.

REPORTS TO THE COMMISSION

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**
- **Status Reports:**
  - **Chief of Police executive search**
  - **Organizational and other contemporary studies**
  - **Rules and procedures for Patrol Specials**
  - **Commission Office staffing**
  - **Subcommittee on Violent Crime**

Commissioner Sparks announced that she and two other Commissioners, along with representatives from the Mayor's Office and the Controller's Office, will be meeting with the search firm to discuss scope issues for the Chief of Police search and hopes to execute a contract within the next two weeks.

Commissioner Sparks also announced that the Commission will meet in five strategic locations around the city to give everybody an opportunity to attend and give their input as to what they look for in the next Chief of Police. There will also be a questionnaire given to stakeholders as to what they look for in the new Chief of Police.

PUBLIC COMMENT
Sylvia Johnson discussed concerns.

b. OCC Director's Report
- Review of Recent Activities

Director Hicks reported as to cases closed and opened, and the OCC's outreach.

PUBLIC COMMENT
None

(The Commission took a brief recess from 7:42 p.m. to 7:55 p.m.)

a. Chief's Report
- Update on significant policing efforts by Department members
- 2008 Crime Trends and Homicide Overview *(continued)*
- 2008 Violence Reduction Plan Report

Chief Fong talked briefly about the zone strategy program and acknowledged Mr. Russ Giantini of the District Attorney's Office and Director Henry Alvarez of the SF Housing Authority.

Assistant Chief Lynch gave a brief overview of the Violence Reduction Plan report.

Deputy Chief Cashman discussed the impact of the zone enforcement strategy program.

Mr. Russ Giantini, Assistant District Attorney, discussed statistics from his office since the zone enforcement started and the collaboration between the Department and the District Attorney's Office in regards to violent crime.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS
a. Commission Announcements
b. Scheduling of items identified for consideration at future Commission Meetings

Lieutenant Reilly announced the following meetings scheduled:

February 19th, South Beach Harbor Community Room, 6 p.m.
February 23rd, Richmond Recreation Center Auditorium, 6 p.m.
February 24th, Southeast Community Facility, 6 p.m.
February 25th, St. Mary's Cathedral, 6 p.m.
March 3rd, Visitacion Valley Middle School, 6 p.m.
March 5th, John O'Connell High School Auditorium, 6 p.m.

Commissioner Sparks thanked Director Alvarez, Housing Authority, for his attendance in tonight's meeting and invited him back, at his convenience, to discuss concerns about the Housing Authority.

Commissioner Onek, in regards to PERF recommendations in the

policy level, he asked that two items that would require Charter amendments be put on the calendar some time in March. Those items are (1) increasing the Chief's discipline powers; and, (2) Looking for a possible contract for a new Chief of Police.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 6-0.

Thereafter, the meeting was adjourned at 10:23 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

5
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SAN FRANCISCO POLICE COMMISSION AGENDA
Notice of Special Meeting and Agenda
THURSDAY, FEBRUARY 19th, 2009
6:00 p.m.

South Beach Harbor
Pier 40 A, The Embarcadero
San Francisco, California 94103

Roll Call; Pledge of Allegiance

1. **Public Hearing**: The Police Commission will conduct a public hearing to solicit comments and suggestions from members of the public regarding the Commission's executive search for candidates for Chief of the San Francisco Police Department. (DISCUSSION ONLY)

2. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Adjournment** (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

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SAN FRANCISCO POLICE COMMISSION
NOTICE OF SPECIAL MEETING AND AGENDA
Thursday, February 19, 2009
6:00 p.m.

South Beach Harbor Community Room
Pier 40A
The Embarcadero
San Francisco, California 94107

Roll Call; Pledge of Allegiance

1. **Public Hearing**: The Police Commission invites comments and suggestions from members of the public regarding the Commission's executive search for candidates for Chief of the San Francisco Police Department. (DISCUSSION ONLY)

2. **Public Comment**
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The proceeding will be held at: Pier 40A South Beach Harbor Community Room

Accessible MUNI lines serving this location is: T Third Street, N Judah
For information about MUNI service call 923 6142

The closest BART Station is: Embarcadero, Montgomery stations

Accessible parking Pier 40A

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

The Police Commission

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LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION
NOTICE OF SPECIAL MEETING AND AGENDA
Monday, February 23, 2009
6:00 p.m.

Richmond Recreation Center Auditorium
252-18th Avenue
San Francisco, California 94121

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Roll Call; Pledge of Allegiance

1. **Public Hearing**: The Police Commission invites comments and suggestions from members of the public regarding the Commission's executive search for candidates for Chief of the San Francisco Police Department. (DISCUSSION ONLY)

2. **Public Comment**
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3. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION

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Accessible MUNI lines serving this location is: 1 California, 2 Clement, 38 Geary
For information about MUNI service call 923 6142

The closest BART Station is: Civic center

Accessible parking 252-18th Ave.

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

The Police Commission

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SAN FRANCISCO POLICE COMMISSION
NOTICE OF SPECIAL MEETING AND AGENDA
Tuesday, February 24, 2009
6:00 p.m.

Southeast Community Facility
1800 Oakdale Avenue
San Francisco, California 94124

Roll Call; Pledge of Allegiance

1. **Public Hearing**: The Police Commission invites comments and suggestions from members of the public regarding the Commission's executive search for candidates for Chief of the San Francisco Police Department. (DISCUSSION ONLY)

2. **Public Comment**
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3. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION

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The proceeding will be held at: Southeast Community Facility, - 1800 Oakdale Ave.

Accessible MUNI lines serving this location is: T Third St., 23, 44
For information about MUNI service call 923 6142

The closest BART Station is: Glen Park

Accessible parking 1800 Oakdale at Phelps

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

The Police Commission

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DAVID ONEK
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LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 25, 2009
6:00 p.m.

SAINT MARY'S CATHEDRAL
1111 Gough Street
San Francisco, California

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Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
        - Rules and procedures for Patrol Specials
        - Commission Office staffing
        - Subcommittee on Violent Crime

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3. **Public Hearing**: The Police Commission invites comments and suggestions from members of the public regarding the Commission's executive search for candidates for Chief of the San Francisco Police Department (DISCUSSION ONLY)

4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

5. **Adjournment** (ACTION ITEM)

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at: St. Mary's Cathedral, 1111 Gough Street, San Francisco

Accessible MUNI lines serving this location is: 38 Geary
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center Bart Station

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

FEBRUARY 25, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met at St. Mary's Cathedral, 1111 Gough Street, San Francisco, at 6:20 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek

(Commissioner DeJesus arrived at 6:24 and was excused at 8:23 p.m.)

Commissioner Sparks addressed the audience and explained that this meeting has two purpose: One is to meet with the faith-based community and talk about community policing; second is to get input from the community as to criteria for the new Chief of Police. Commissioner Sparks also stated that Captain Casciato will also address the Commission as to what is happening in the Northern District. The Commissioners then introduced themselves and gave a brief bio.

PUBLIC COMMENT

Reverend Ullyses Ve'e spoke on behalf of the Samoan community, discussed concerns about young kids losing their identity and their culture and stated that when youth learn about their community, their language, and their culture, they gain self respect and moral values and that will help cut down youth violence.

Reverend Norman Fong spoke on behalf of the Asian-American community and commended Chief Fong for her connection with the Asian-American community. He discussed concerns regarding mugging of seniors while on buses. He suggested that the next Chief of Police needs to have ties with the community. He also stated that there are a lot of problems in the community that is not reported but if the people know and trust who is in charge, they will speak out.

Captain Casciato introduced Lt. Michael Slade, who is in charge of Operation Dream. Lieutenant Slade talked about kids adopting street culture when they are not in school. He stated that working with the faith-based community and community leaders made a difference. He went on to describe some of the events he is working with different community leaders and organizations.

Reverend Gayle Lockhart, Recreation Director, stated that safety is an issue and commended Lieutenant Slade and Captain Casciato. Reverend Lockhart stated that we need to be role models for the youth and we need to listen to young children and let them know that they are somebody and that they do have a purpose in this life.

Pastor Layne Hawkins talked about a new Chief of Police that can establish trust between the community and the police department.

Reverend Dominics, Youth Pastor, talked about healing for the youth and talked about drama therapy where youths are allowed to act out issues that are going on in their lives. He stated that young people needs a connection with the police.

Reverend Arnold Townsend stated that in District 5, Fillmore, they have had the greatest drop in violence over the past year because of the Department, Captain Casciato, Lt. Slade, and Sgt. Griffin and their work with the community. Reverend Townsend stated that what you look for in a chief is to have courage, courage to be different, and willing to work with the community.

Ms. Cheryl Davis stated that she is happy that there is a forum or a process by which the community is heard. She commended Captain Casciato and Chief Fong for their work with the community.

Mr. Dennis Westry, works at a school in Hunter's Point, talked about the RBI Program that will run from April to September. He stated that they

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want to teach the kids that this is not just about playing basketball but about building relationships.

Pastor Harris, Ella Hill Hutch & Brothers for Change, talked about the OCC's Mediation Program. He also commended Captain Casciato and Lt. Slade.

Howard Smith, Executive Director Ella Hill Hutch Community Center, commended Captain Casciato and Lt. Slade and stated that being involved is important. He further thanked Chief Fong for serving with compassion.

Erica Green, Youth Director Ellas Hill Hutch, stated that their goal is to partner with other institutions so that services and resources can be provided in the Western Addition community.

Reuben Goodman commended Chief Fong for her compassion.

Tina Collins, Plaza East, talked about the different groups available to youths. She also discussed concerns about moving officers and that the community should know the officers. Ms. Collins also commended Chief Fong and stated that the new chief should be within the Department.

Richard Johnson, Community Partners United, stated that the new chief should understand collaboration. He also stated that the Department needs technology. He suggested that the new Chief should be tech savvy.

Reverend Cynthia Joseph Robinson stated that there are turf boundaries but stated that if the community-based organizations could form a partnership and talk with their people and hold them accountable, it can work.

Tina Collins commented on faith-based organizations and stated that before the faith-based organizations would come and pick up kids and bring them to the snow. She stated that now, when homicide started, the faith-based organizations stopped coming.

Howard Smith asked how does the Commission know that the new Chief is a stakeholder and not from the outside.

Unidentified talked about quality of life and stated that there's been a breakdown in people's ability to commit and to communicate. She stated that safety, health, and peaceful enjoyment of life has been disregarded in the city. She further discussed concerns regarding sex activities and drug business.

Unidentified discussed concerns about faith-based organizations, the police, and the constitution.

Reuben Goodman discussed losing culture and violence in the city.

Chaplain James McCray commended Chief Fong and stated that the new Chief should know the city and should be able to weave together the various agencies, the police department, and the faith-based community.

Commissioner Sparks went to explain the process, which is still evolving, and stated that the Commission wants to let everyone know what this process is going forward. Commissioner Sparks stated the following:

"The Charter states that, very loosely, that the Commission will conduct the search for Chief of Police, conduct interviews for Chief of Police, and will then submit three names to the Mayor's Office from which he can choose the next Chief of Police.

All candidates from whom the Mayor chooses have to go through this process. The Mayor cannot bring anyone in outside the process, cannot bring an individual in that has not gone through this process, nor can the Commission, nor can the Board. Every individual to be considered for the Chief of Police of this department has to go through the exactly the same vetting process and that's through the search agency that the Commission hires.

The Commission will be hiring through the Controller's Office, which is the contracting branch of government, of a executive search firm. At this point, the Commission has authorized two firms to work together. One as a primary search firm, and the second as a subcontractor to that. The primary search firm at this point that we have contract authorization for within the city is Bob Murray & Associates who has conducted many searches for senior

executives in the city. Actually found and placed our Director of the Office of Citizen Complaints, Ms. Hicks, about a year and a half ago or two years ago ... however long it's been. Fifteen years ... months? Fifteen months ago. And also has worked within the City on a lot of Department heads. In addition, Murray & Associates have placed police chiefs across the country.

And subcontractor will be the Police Executive Research Forum, which incidentally, is the organization that's under contract with the Police Department to provide to do the organizational and cultural review of the Department that has been completed now, and so they have an integral knowledge of the workings of the department, and the politics of the department, and also have been involved in conducting numerous public meetings around the city. So they're also familiar with the culture of the city. And so we believe – also, Police Executive Research Forum is one of the organizations in the United States, they're headquartered out of Washington, that probably have their finger on the pulse of policing and police departments as much as any other organizations in the United States. They hold conferences where literally dozens, if not hundreds, of police chiefs from around the country come and participate. So we feel the combination of those two organizations are the best that we can get to conduct this search.

Of the process as it's being defined now is the following, and there is disagreement on this Commission and there's also disagreement between the Board of Supervisors and the Mayor's Office as to how this process should come down. But I'll describe to you right now our latest information that we have as of this afternoon that Dr. Marshall and I participate in the meetings, and that is the following:

The search firms will start advertising for Chief of Police very very quickly. Hopefully, within the next week or so actually put out the first advertisement for Chief of Police for the City and County of San Francisco. In that same period of time, we will be continuing to conduct these meetings. We've had three or four meetings at this point, maybe five or six including some of the employee groups. We have another four or five community meetings planned. We have another four or five employee group meeting planned. We're also meeting with the civilian unions, Local 21, SEIU, civilian employees of the Police Department. We're meeting with the command staff and the captains in the Department. And, as of today, we have a list and commissioners are gonna go out to roll call training, to roll calls in district stations and various bureaus across the city to talk directly to the rank and file and get their input. We're also meeting with the POA, the Police Officers' Association, the bargaining unit for the officers. In addition we're meeting with the various police employee groups to solicit input along with input from the Mayor's Office and the Board of Supervisors on developing a profile for the next Chief of Police of San Francisco. We'll take all these input and develop a profile that we will then turn over to the search firm.

The search firm will conduct a nationwide search and that includes all internal candidates as well. So anyone from inside the Department would also be submitting their application through the search firm as well. If they submit one directly to the Mayor's Office, directly to the Commission, they will not be considered. All applicants have to come through the search firm. The search then firm will divide the stack, these applicants into three categories. When they did – these two search firms together also did the search for Chief of Police of the City of Los Angeles, one of their more recent searches. In that search they received between 55 and 75 candidates. We believe San Francisco will attract the best and brightest candidates from within the Department and also outside the Department.

The search firm then will divide the candidates into three categories. The first category will be people who really really have a desire to be Chief of

Police of San Francisco but probably currently are a sergeant for transit agency in Norfolk, Virginia; probably don't have the qualifications yet and they'll be put in a probably not category and that will be stack "A." The stack "B" will be a category of people who are maybe a little inexperience, maybe are Chiefs of Police of smaller agencies but could possibly fit the bill to be the Chief of Police of San Francisco, including people in our own agency that may or may not have reached a rank of command staff but may also have a capability and qualities we're looking for. And pile number "C" are people who are really strong perspective candidates both from inside and outside the Department.

At this point all candidates then will be summarized by the search agency and will be given a number. All names and agencies, specific agencies, will be taken off their applications. So they will be summarized and so it will be very very difficult for anyone to recognize where these individuals are from, whether they're from internal or from external. The primary two stacks then, the second and third stack of people will be given to the Police Commission to evaluate whether or not we agree or disagree with what the consultants' conclusion came to on what stack this individual should be in. And we're not putting numerical value on these stacks. We're not saying 12 in each stack or 30 in each stack. We don't know how many are going to apply and we don't know how many qualified people we're going to get applications from.

At that point then, the intent is for the Commission to review these individuals and actually re-prioritize which stack we believe, as a Commission, these people should be in. At this point then, it is my intent and Commissioner Marshall's intent to take these to got over these stacks, the two stacks, with representative from the Chief of Staff of the Mayor's Office who will then look at them and come to some conclusion whether they believe that these qualifications are properly placed in stack A or B. Keep in mind that the Mayor's Office will not have the ability to re-prioritize these applicants but they will give us their input as to whether or not these applicants are in the correct stack. The responsibility of prioritizing and putting individuals in this very stack lies solely with the Police Commission.

Once this is done, the Police Commission will direct the search agencies to take the people in stack C, which are the primary candidates and do background investigations on them and do preliminary interviews. From that, they will then recommend to the Commission who should be interviewed by the Commission. And we will hopefully take it down to a group of 8 to 10 individuals. Those people then – that recommendation then will be brought back to the Commission and discussed with the Commission with all the stacks with everybody from this stack to see if the Commission agrees with these are in fact the same people that should be interviewed. Keep in mind, up until this point, no name and no agency has been identified in any of these applicants primarily criteria, an individual who has second or third in command from an agency of an urban population da da da da da. We'll try to be generic as possible. At that point then, once the Commission decides that these are the people that should be interviewed, once again, Commissioner Marshall, Commissioner Lee, and I will meet with representative of the Mayor's office and go over the Commission's selection of who should be interviewed. Once again, they do not have the ability to change those selections but they do have the ability to give us input as to whether or not these are the people they would or wouldn't interview if they were in charge of this process.

We then will come back and we will conduct confidential interviews with the entire Commission. Of these candidates from which we will choose three individuals, up to three individuals. We're not required to produce three. We could do one, two, or three recommendations to the Mayor. From those recommendations, the Mayor will make a selection. It's very critical that this process, the confidentiality is maintained in the process and that we make sure that not only the people of San Francisco but also the candidates know that we

intend to keep any names and positions confidential throughout this entire process. I have the commitment from the Mayor's Office that they will do the same, and we have a commitment from everyone on this Commission that they will do the same.

Anyone who solicits or politics or approaches a Commissioner or the Mayor's Office will be directed that we cannot talk directly to that individual but that individual's application has to go through the search process along with everyone else. The Mayor has also made the commitment to me, personally, and to Commissioner Marshall.

In all fairness, after meeting with the Mayor's representative today, then I met with members of the Board of Supervisors, and a couple members of the Board of Supervisors are adamantly opposed to this process. They believe the Mayor's Office should be kept out of the process 100 percent and that the Mayor should not see anybody's name or anybody's resume, or anybody's candidacy until they're handed the two or three at the very end of the process.

My opinion, and I've told this to the Supervisor and I've told this to the Mayor, is that I believe that it is important that we try to de-politicize this process as much as possible. That the Mayor, although will be the final selection process, should at least have a passing familiarity with the criteria the Commission is using as we go through this selection process. And that he shouldn't be surprised when we hand him three different names that he has no idea where they came from, who they are, and what they were compared to. And so I think it's extremely important that we go forward with this bipartisan, unpolitical process so that we can select collectively a Chief of Police for the City and County of San Francisco that best serves the City, the best suited for the City, and we make sure we maintain the integrity of this chartered process as close as we possibly can.

So that's the process as it's been determined right now. That's our intent to go forward with the process. I know we have Commissioners who very much opposed that process. We have Supervisors who very much opposed that process. And I believe that – I want to make sure they get an opportunity to speak and I'd like all the Commissioners to speak on the process because I want to know that we have at least the majority agreement on this Commission before we go forward with the process as I just stated."

Commissioner DeJesus discussed concerns about the process and stated that the public is concern that the selection of Chief of Police is a "rubber-stamped" in the Mayor's selection. Commissioner DeJesus expressed disappointment that the Commission will allow a group of people in on the selection process, including the Mayor's Office. She stated that just because you put a number, doesn't mean you can't figure out who the people are, especially for internal candidates. Commissioner DeJesus stated that she does not want campaigning and she does not want the Commission to look like they rubber-stamped the Mayor's pick and stated that she really wants a fair process. She stated that she thinks the process is compromised in the way that it is set up. She also expressed concern that the process is not put on the agenda and discussed with the whole Commission for approval.

Commissioner Sparks reiterated that there are three Commissioners involved in this process and stated that, as the President, she has never imposed any particular process on the Commission nor is she imposing this selection process on the Commission.

Commissioner Onek expressed his support for Commissioners Sparks, Marshall, and Lee, who has been leading this process for the Commission. Commissioner Onek stated that the Commission cannot appoint and it only makes sense for the Commission to work hand-in-hand with the

Mayor's Office. He stated that he can assure everybody that the Mayor and the Mayor's Chief of Staff wants exactly what the Commission wants and that is the best Police Chief for the City of San Francisco. Commissioner Onek also stated that the Commission wants to move this process as quickly as possible and stated that if the announcement can be posted soon, there should be a very short window to accept applications.

Commissioner Lee acknowledged Commissioner DeJesus' opinion and stated that she understands her commitment and passion for this process. Commissioner Lee went on to commend Commissioner Sparks for her integrity in leading the Commission. Commissioner Lee stated that this is the process that the Commission is committed to and it is a process that going to be open, honest, and inclusive process.

Commissioner Mazzucco acknowledged Commissioner DeJesus' passion for the community. Commissioner Mazzucco expressed his support for Commissioner Sparks and the process and stated that this plan is perfect because the confidentiality will protect all applicants and that it is a strong business decision to work with the Mayor's Office throughout the process so that they know what's coming.

Commissioner Marshall stated that he supports the plan because he thinks that it is the best plan.

Commissioner Sparks thanked the Commission for their support and stated that this item will be on the agenda for next week's meeting.

PUBLIC COMMENT

Wynn Shapilier discussed concerns regarding involvement of the Mayor and stated that nothing has changed.

Reuben Goodman agreed with Commissioner Onek about a shorter time frame to accept applications.

Diana Greer, Potrero Hill, asked that the word "collaborating" with the Mayor means.

Commissioner Sparks explained that it is more of a briefing than a collaboration.

<u>REPORTS TO THE COMMISSION</u>

a. Chief's Report

- Update on significant policing efforts by Department members

None

b. OCC Director's Report

- Review of Recent Activities

Director Joyce Hicks addressed the Commission and talked about the OCC and its duties and responsibilities. Director Hicks also went on to talk about the OCC's Mediation Program.

Commissioner Sparks informed Lt. Reilly that the OCC Annual Report will be on for the 18th.

c. Commission Reports

- Commission President's Report

- Commissioners' Reports

Status Reports:

- **Chief of Police executive search**
- **Organizational and other contemporary studies**

- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**
- **Subcommittee on Violent Crime**

Commissioner Sparks announced that the interim rules and procedures for Patrol Specials went into effect on the 15th and that 17 people have complied with the regulation specifications and six have yet to turn in their compliance.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Scheduling of items identified for consideration at future Commission Meetings

Lieutenant Reilly announced that on March 3rd, the Commission will meet at Visitacion Valley Middle School, at 6:00 p.m., and on Thursday, March 5th, at the John O'Connell High School, at 6:00 p.m. Lieutenant Reilly also announced that the survey in regards to the new Chief of Police is on the Commission's website.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Onek. Approved 4-0.

Thereafter, the meeting was adjourned at 9:52 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID CNEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

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SAN FRANCISCO POLICE COMMISSION
NOTICE OF SPECIAL MEETING AND AGENDA
Tuesday, March 3, 2009
6:00 p.m.

Visitacion Valley Middle School Auditorium
450 Raymond Avenue
San Francisco, California 94134

Roll Call; Pledge of Allegiance

1. **Public Hearing**: The Police Commission invites comments and suggestions from members of the public regarding the Commission's executive search for candidates for Chief of the San Francisco Police Department. (DISCUSSION ONLY)

2. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Adjournment** (ACTION ITEM)

***** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (416) 553-1667**

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THOMAS P. MAZZUCCO
Commissioner

DAVID ENBK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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For information about MUNI service call 923 6142

The closest BART Station is: Balboa Park Station

Accessible parking 450 Raymond Ave

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 4, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THERESA SPARKS
President

DR JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y LEE
Commissioner

THOMAS P MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular meeting of February 11, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   a. Presentation of the OCC's 4th Quarter 2008 Early Intervention System Report
   b. Report regarding Provision of Documents to the OCC for the period of July 1, 2008 to September 30, 2008
   c. Request of the Chief of Police to accept a donation of $1,000.00 from Wells Fargo Bank for the Mounted Unit's Special Fund
   d. Request of the Chief of Police to accept a donation of $5,000.00 from Ms. Karen Fireman for use of the Mounted Unit

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
   - Update on significant policing efforts by Department members

   b. OCC Director's Report
   - Review of Recent Activities

   c. Commission Reports
   - Commission President's Report
   - Commissioners' Reports

     Status Reports:
     - Chief of Police executive search
     - Organizational and other contemporary studies
     - Rules and procedures for Patrol Specials
     - Commission Office staffing
     - Subcommittee on Violent Crime

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5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   - Assignment of Disciplinary Charges filed in Case No. C09-004 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   - Assignment of Disciplinary Charges filed in Case No. C09-015 JWA to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

   b. Scheduling of items identified for consideration at future Commission Meetings

The Police Commission

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Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 4, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Discussion and possible action to approve the process to find candidates for Chief of Police including intent to brief and solicit comments from the Mayor at various milestones of the process, consistent with City Charter requirements (ACTION ITEM)

The Commission may decide to consider Item No. 7, in whole or in part, in closed session pursuant to Government Code section 54957(b)(1), S.F. Administrative Code Section 67.10(b), and Penal Code section 832.7. In which case:

a. Public Comment on all matters pertaining to the Closed Session.
b. Vote on whether to hold Closed Session (San Francisco Administrative Code Section 67.10)(ACTION ITEM)
c. Reconvene to Open Session:
   i. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a).

7. Hearing and possible action on the motion to dismiss disciplinary charges filed against Captain Gregory Corrales, File No. C04-123 JWF, filed on July 23, 2004 (ACTION ITEM)
The following time limits will apply:
Charged Officer's Opening Argument: up to 10 minutes
OCC's Opposition: up to 10 minutes
Charged Officer's Rebuttal: up to 5 minutes

8. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

MARCH 4, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:57 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek

(Commissioner Lee arrived at 7:13 p.m.)

REPORTS TO THE COMMISSION (taken out of order)

a. Chief's Report

- Update on significant policing efforts by Department members

Lieutenant Reilly announced that there are presentations to be made to members of the San Francisco Fire Department for their help during the tiger incident at the San Francisco Zoo. Awarded special Police Commission Commendations are Acting Battalion Chief Edward Roland, Firefighter/Paramedic Megan Franzen, Firefighter/Paramedic Rita Kearns, Firefighter Donnie Hornbuckle, and Rescue Captain Kevin Boone.

Chief Fong acknowledge Fire Chief Joanne Hayes White and her command staff for their presence this evening. Chief Fong commended and thanked the members of the San Francisco Fire Department.

Commissioner Sparks stated that it is an honor for the Commission to award these special commendations to members of the San Francisco Fire Department. Commissioner Sparks thanked the members of the SFFD for their work alongside the members of the SFPD.

Chief Joanne Hayes White, San Francisco Fire Department, addressed the Commission and thanked the Commission for honoring members of her Department. Chief Hayes White introduced members of the her command staff that were present. Present were Deputy Chief Patrick Gardner, Deputy Chief Gary Masitani, Assistant Deputy Chief Brandon O'Leary, Assistant Deputy Chief Pete House, and Assistant Deputy Chief Barbara Sholdice.

Commissioner of Veterans Affairs Committee presented and honored Chief Fong with a world clock.

PUBLIC COMMENT

None

ADOPTION OF MINUTES

- Regular meeting of February 11, 2009

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

PUBLIC COMMENT

Francisco Decosta introduced Ms. Paulette Brown who's son is a victim of a homicide.

Paulette Brown, mother of homicide victim Aubre Abrakasa, Jr., asked that the reward bulletin be posted in public places and asked the Commission for help to put pictures and bulleting posted in public places like the Muni buses and libraries.

Commissioner Sparks expressed the Commission's sympathy to Ms. Brown for the death of her son and asked Deputy Chief Shinn as to what

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happens to wanted bulletins once they are published. Deputy Chief Shinn stated that posters and bulletins are handed out to the district where the Department thinks there are witnesses. The bulletins are also handed out to the different district stations, put on the Captains' newsletters, also a link to the SFPD website that shows the victims and rewards offered. Chief Shinn also stated that whenever there is a new lead, the area is canvassed for information and the tip line is constantly publicized.

Commissioner Sparks asked about the process of keeping in touch with the families of the victims. Chief Shinn stated that when there are new information in regards to the case, the inspector assigned to the case keeps in contact with the family.

Commissioner Sparks asked if there is anything that can be done to get high visibility for the bulletins. Chief Fong stated that there is a sergeant assigned to work with the SF Public Library and see how to distribute the fliers and also reach out to the MTA to see what can be done and also post it on other city websites. Commissioner Sparks asked the Chief to report back to the Commission in a month's time regarding the progress and to community with Ms. Brown as to the status of getting high visibility on this.

Commissioner DeJesus asked if the Mayor's Office of Criminal Justice can post the bulletins on their website. Chief Fong stated that in the past, the Department has asked city agencies who fund a number of community-based organizations to send them out to all their organizations.
]

Commissioner Marshall stated that we need to be creative and think of other ways to get this out there.

Commissioner Mazzucco thanked Ms. Brown for her courage in keeping her son's memory alive and stated that he would like to get together with Commissioner Marshall and think of creative ways to get the word out to the public.

Reuben Goodman asked that the reward be increased and asked the Mayor to acknowledge Ms. Brown when she's standing outside of City Hall. He went on to talk about homicide victim names Trisha.

Bruce Allison discussed concerns about getting a copy of the budget.

Daniel Landry discussed homicides and how it affects family and friends of victims.

CONSENT CALENDAR

a. Presentation of the OCC's 4th Quarter 2008 Early Intervention System Report

Commissioner Sparks asked to reschedule in Closed Session to have more detailed discussion regarding the OCC's EIS Report.

b. Report regarding Provision of Documents to the OCC for the period of July 1, 2008 to September 30, 2008

Commissioner Sparks asked that this item be rescheduled as a separate item to have further discussion in light of letter from Director Hicks.

c. Request of the Chief of Police to accept a donation of $1,000.00 from Wells Fargo Bank for the Mounted Unit's Special Fund

d. Request of the Chief of Police to accept a donation of $5,000.00 from Ms. Karen Fireman for use of the Mounted Unit

Motion by Commissioner DeJesus, second by Commissioner Mazzucco to approve consent calendar items c & d. Approved 6-0.

RESOLUTION NO. 18-09

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO

ACCEPT A DONATION OF $1,000.00 FROM WELLS FARGO BANK FOR THE MOUNTED UNIT'S SPECIAL FUND

RESOLVED, that the Police Commission approves the request of the Chief of Police to accept a donation of $1,000.00 from Wells Fargo Bank for the Mounted Unit's Special Fund.

AYES: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek

RESOLUTION NO. 19-09

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A DONATION OF $5,000.00 FROM MS. KAREN FIREMAN FOR USE OF THE MOUNTED UNIT

RESOLVED, that the Police Commission approves the request of the Chief of Police to accept a donation of $5,000.00 from Ms. Karen Fireman for use of the Mounted Unit.

AYES: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek

REPORTS TO THE COMMISSION

a. Chief's Report

- Update on significant policing efforts by Department members

Chief Fong stated that there will be two reports this evening. The first by Lt. Jim Miller in regards to robberies and the second will be an update by Lt. Curtis Lum in regards to Patrol Specials.

Lieutenant Jim Miller, Violence Reduction Program coordinator, presented the robbery report. Lt. Miller stated that robbery is the second most violent crime in San Francisco, second to homicides. He stated that last year there were over 4,000 robberies in the city and this year are in a trend to be less than last year. He went on to explain what the Department is doing in regards to robberies.

Commissioner Sparks asked of suspects arrested for robberies are they arrested, detained or are they back out on bail and committing the same crime again. Lt. Miller stated that yes they are back out and they pretty much have a history of crime. He also stated that as far as staying in jail, he stated that the Department and the District Attorney have a pretty good record in prosecuting the suspects.

Commissioner Mazzucco asked about the 150 juveniles in custody in regards to robbery and asked if the Lieutenant is working with the Juvenile Probation Division about it. Lt. Miller stated yes, the Department is working with the Juvenile Probation Division.

Lieutenant Curtis Lum, Program Administrator for Patrol Specials, reported that 23 patrol specials and assistants are in compliance in regards to uniform revision and 3 have not complied and stated disciplinary proceedings will begin on those three who have not complied. He also stated that PSO Scott Hart presented an alternative uniform request (uniform shown to the Commission) and Lt. Lum stated that that was denied. Commissioner Sparks stated that she doesn't think that the difference between the police officer's uniform and the uniform presented by PSO Hart is enough and suggested that something on the epaulettes in addition to a bigger Patrol Special embroidery on the front be added.

Commissioner Mazzucco stated that the objective is for the general public be able to know the difference between police officers and patrol special officers.

Commissioner Sparks stated that the Commission has decided to leave the uniform exactly the way it is as stated in the interim Rules and Procedures for Patrol Specials and their Assistants and stated that that will be an issue that will be addressed in the study going forward.

b. OCC Director's Report
- Review of Recent Activities

Director Hicks reported on two items. She stated that in February the OCC opened 74 cases and closed 70. This year, for the first two months, the OCC opened 151 cases and closed 160 cases; 383 cases pending, 258 from 2008, 125 from 2009, making it a caseload of 23 cases per investigators with 17 investigators. As far as mediations, the OCC conducted 10 mediation this year. In February 14 cases were reviewed, 3 mediated, and two are pending. No officers have declined mediation offers for this year.

Commissioner Sparks asked Director Hicks for a report on how the Mediation Program works. Director Hicks stated that the report will be presented on March 18th.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
Status Reports:
- **Chief of Police executive search**
- **Organizational and other contemporary studies**
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**
- **Subcommittee on Violent Crime**

Commissioner Sparks stated that major policy recommendations will be put on the agenda next week: (1) contract for Chief of Police, (2) extending Chief's ability for discipline beyond 10 days, (3) possible proposal to tie the OCC's budget and the Commission budget to a percentage of the SFPD budget to insure that it can't be continually cut.

PUBLIC COMMENT

Daniel Landry discussed concerns regarding the OCC and cutting its budget.

Winship Hellier discussed concerns regarding donation from Wells Fargo Bank.

Reuben Goodman discussed concerns regarding homicides.

<u>ROUTINE ADMINISTRATIVE BUSINESS</u>

a. Commission Announcements
- **Assignment of Disciplinary Charges filed in Case No. C09-004 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 20-09, Assigned to Commissioner David Onek)
- **Assignment of Disciplinary Charges filed in Case No. C09-015 JWA to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 21-09, Assigned to Commissioner Yvonne Lee)

Lieutenant Reilly announced that there will be a meeting at John O'Connell High School, 6 p.m., for public input in regards to search for new

Chief of Police.

b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Sparks asked that the year-end report be scheduled in the next three weeks and also to schedule a presentation on the Spot Program, which is a program where Police Officers are paid overtime to enforce building inspections. Commissioner Sparks stated she wants to know why it's being done by the Police Department and not transferred to another department and why on overtime and she asked that it be scheduled as soon as possible.

PUBLIC COMMENT

Daniel Landry discussed homicide statistics.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PROCESS TO FIND CANDIDATES FOR CHIEF OF POLICE INCLUDING INTENT TO BRIEF AND SOLICIT COMMENTS FROM THE MAYOR AT VARIOUS MILESTONES OF THE PROCESS, CONSISTENT WITH CITY CHARTER REQUIREMENTS

Commissioners Sparks described the process to find candidates for the Chief of Police, and stated the following:

"The Commission is in charge of seeking candidates for the Chief of Police. The Mayor's function is to appoint a candidates fowarded to him by the Commission. The Commission, initially reviewed organizations that have been prequalified for the city to conduct executive searches. We selected an executive search firm from a list of prequalified organizations. The Controller has been negotiating contract with the executive search firm that we selected and has executed an initial contract with Murray & Associations with PERF being a subcontractor and is the process with Murray's full participation in the renegotiating the scope of that contract to make sure that PERF will be designated to do what we anticipated in our resolution in approving Murray. So that is in place right now and Murray & Associates is in fact our prime search contractor.

The Commission is conducting stakeholder meetings. I don't know how many so far, five or six. I conduct one in the Tenderloin on Monday. We have one tomorrow night at John O'Connell in the Mission. We have one meeting with Mumsy on Thursday or Friday in the Castro. Any commissioner would like to attend as well. We're conducting that to assemble input for candidate profile and in the process of that now that we have a contract for the search firm, the search firm, as of this morning, put out their first advertisement for Chief of Police for City and County of San Francisco. One in Western Cities' Magazine. I have a copy here, which I will be happy to read or to give out, but it basically a preliminary advertisement that went out today and will be distributed around the country in various periodicals. And it can be change as we go forward if there's additional information required.

In addition, once we conduct all the stakeholder meetings, it is anticipated the meetings will be concluded sometime around the 16 to the 18 of March and once we do that, we will take all the data we've accumulated and give it to the search firm who will then collate the data and create a preliminary candidate profile which will then come back to the Commission to review and to finalize.

That profile then will be used as part of a booklet that will be sent out to interested candidates and available on line at the search firm, describing the type of candidates we're looking for.

The search firm closes the advertisement for candidates subject to our authority, obviously to reopen it at any time assuming we don't get any possibility of not getting any candidates, but at this point and time the advertisement is scheduled on reasonable time after public input is included. It's anticipated that the receiving of applicants will conclude on April 13th which is the date in the advertisement.

At that point the search firm will perform an initial sort of candidates in three categories. Those obviously not qualified, category A; second category B, possible for consideration; category C, qualified candidates. Those will be the three tiles the candidate profiles will be put in. All candidates, including internal candidates must submit their letters of interest and application through Murray & Associates, the search firm. No other candidates will be considered that have not submitted applications through the search firm.

The search firm then creates candidate abstracts for candidates in category B and C, which are potential and qualified. Candidate abstracts to mask the actual identity and the specific of the resumes that have been submitted. The search firm will then forward to the Commission copies of the resumes and candidate abstracts for candidates in category B and C and at this point it is anticipated that the three Commissioners who've been working on this, myself, Commissioner Vice President Marshall, and Commissioner Lee would prepare the resumes to the actual abstracts for accuracy and also to make sure they're abstract enough. Then the Commission will make changes in the abstracts as required.

The abstracts will be forwarded to the full Commission along with the sorting that the search consultant did so that the Commission then can agree with the sorting of the stacks or they can resort based on their analysis of stacks B and C. At that point, it is anticipated, myself and or, in conjunction with one or two of the other Commissioners will brief the Mayor showing him the abstracts on categories B and C and the Mayor's representative or the Mayor can comment on the sorts and the individual abstract but does not have the ability to change the sorting that the Commission decided on.

The Commission then finalizes the various B and C stacks and then forwards those categories to the search firm. The search firm then will perform a vetting process on the candidates only on category C, which are the qualified candidates, and the vetting will include but not limited to background check, public record check, and other customary methods used to confirm references and validate background of the candidates.

The search firm will then meet with the full Commission to evaluate the information generated by this vetting process and the Commission will decide on which candidates to interview.

At that point the Mayor will be brief one more time with the candidate abstracts that the Commission chooses to interview so that he is aware of the scope and breath of the candidates that the Commission has chosen to interview.

The Commission will then scheduled interviews with candidates to determine the finalists and determine whether or not a second interview or interviews are required. The Commission, if necessary, will conduct a second interview and any other review processes that the Commission deems appropriate prior to making a final decision.

The Commission will then select final candidates up to three candidates, 1, 2 or 3 candidates, then will forward to the Mayor and the Mayor will then choose or not a final selection from the candidates forwarded to him by this Commission. If he chooses not to select any of the candidates, then it

goes back to the Commission for the process to begin again at some point to be determined by the Commission to review, re-interview, or come up with additional candidates to forward to the Commission. And this will continue in this process until some time the Mayor has made a selection."

Commissioner DeJesus expressed concern that nothing is in writing and that it is hard to vote to approve when there is nothing in writing provided to the Commission and to the public.

Commissioner Lee stated that there's really no drastic change from what Commissioner Sparks had described from last week's meeting and express concern that time is an issue and the matter was already continued for one week.

Commissioner Mazzucco also expressed concern regarding the timing of this item and the urgency of this matter. Commissioner Mazzucco stated that it is a great idea to have a collaborative effort and work with the Mayor since he will ultimately make the decision.

Commissioner Onek agreed with Commissioners Lee and Mazzucco and stated that the process laid out tonight by Commissioner Sparks is completely consistent with the process laid out last week. He stated that to delay the matter again will be problematic and that it should be moved forward.

Commissioner DeJesus discussed concerns that the Charter is not being followed and that she does not agree that the Mayor'Office should sit in on the initial review and does not agree that the Mayor's Office should go over the applications and the categorizations of the candidates. She stated that the Charter does not include the Mayor in the selection process. Commissioner DeJesus stated that she wants to know clearly what the process is going to be. She wants it spelled out so that when the Commission votes on it, that's the process. She stated that if the Commission is going to deviate from that process, then it be brought back to the Commission and voted on again.

Commissioner Marshall stated that he agrees with the process as it was stated last week and as it was stated tonight and asked the City Attorney's opinion as to what is need to move this item forward. Deputy City Attorney Stump stated that if the Commission wants to adopt a written resolution, it can be prepared quickly and set for next week or set for a special meeting for approval or the Commission can proceed on an oral motion tonight if that's the wish of the majority of the Commission.

Commissioner DeJesus moved that this item be put over, get it in writing, and inform the public before making a decision on the process. Commissioner DeJesus stated that it is not consistent with the Charter and that the Commission is altering the Charter to include the Mayor. Commissioner DeJesus suggested to put the process in writing and get the public's input, and then vote on it.

Commissioner Sparks stated that she disagrees, as did the City Attorney, with the comments of Commissioner DeJesus.

Motion by Commission DeJesus to continue this item. No second. Motion dies due to lack of second.

Motion by Commissioner Mazzucco, second by Commissioner Onek to approve the process as described in the public record.

AYES: Commissioners Onek, Mazzucco, Lee, Marshall, Sparks
NAYS: Commissioner DeJesus

RESOLUTION NO. 22-09

APPROVAL OF THE PROCESS TO FIND CANDIDATES FOR CHIEF OF POLICE INCLUDING INTENT TO BRIEF AND SOLICIT COMMENTS FROM THE MAYOR AT VARIOUS MILESTONES OF THE PROCESS, CONSISTENT WITH CITY CHARTER REQUIREMENTS

RESOLVED, that Police Commission hereby approves the process to find candidates for Chief of Police as described in the public record by Commission President Theresa Sparks, stated as follows:

"The Commission is in charge of seeking candidates for the Chief of Police. The Mayor's function is to appoint a candidates fowarded to him by the Commission. The Commission, initially reviewed organizations that have been prequalified for the city to conduct executive searches. We selected an executive search firm from a list of prequalified organizations. The Controller has been negotiating contract with the executive search firm that we selected and has executed an initial contract with Murray & Associations with PERF being a subcontractor and is the process with Murray's full participation in the renegotiating the scope of that contract to make sure that PERF will be designated to do what we anticipated in our resolution in approving Murray. So that is in place right now and Murray & Associates is in fact our prime search contractor.

The Commission is conducting stakeholder meetings. I don't know how many so far, five or six. I conducted one in the Tenderloin on Monday. We have one tomorrow night at John O'Connell at the Mission. We have one meeting with Mumsy on Thursday or Friday in the Castro. Any commissioner would like to attend as well. We're conducting that to assemble input for candidate profile and in the process of that now that we have a contract for the search firm, the search firm, as of this morning, put out their first advertisement for Chief of Police for City and County of San Francisco, one in Western Cities' Magazine. I have a copy here, which I will be happy to read or to give out, but it basically a preliminary advertisement that went out today and will be distributed around the country in various periodicals. And it can be change as we go forward if there's additional information required.

In addition, once we conduct all the stakeholder meetings, it is anticipated the meetings will be concluded sometime around the 16th to the 18th of March and once we do that, we will take all the data we've accumulated and give it to the search firm who will then collate the data and create a preliminary candidate profile which will then come back to the Commission to review and to finalize.

That profile then will be use as part of a booklet that will be sent out to interested candidates and available on line at the search firm, describing the type of candidates we're looking for.

The search firm closes the advertisement for candidates subject to our authority, obviously to reopen it at any time assuming we don't get any possibility of not getting any candidates, but at this point and time the advertisement is scheduled on reasonable time after public input is included. It's anticipated that the receiving of applicants will conclude on April 13th which is the date in the advertisement.

At that point the search firm will perform an initial sort of candidates in three categories. Those obviously not qualified, category A; second category B, possible for consideration; category C, qualified candidates. Those will be the three tiles the candidate profiles will be put in. All candidates, including internal candidates must submit their letters of interest and application through

Murray & Associates, the search firm. No other candidates will be considered that have not submitted applications through the search firm.

The search firm then creates candidate abstracts for candidates in category B and C, which are potential and qualified. Candidate abstracts to mask the actual identity and the specific of the resumes that have been submitted. The search firm will then forward to the Commission copies of the resumes and candidate abstracts for candidates in category B and C and at this point it is anticipated that the three Commissioners who've been working on this, myself, Commissioner Vice President Marshall, and Commissioner Lee would prepare the resumes to the actual abstracts for accuracy and also to make sure they're abstract enough. Then the Commission will make changes in the abstracts as required.

The abstracts will be forwarded to the full Commission along with the sorting that the search consultant did so that the Commission then can agree with the sorting of the stacks or they can resort based on their analysis of stacks B and C. At that point, it is anticipated, myself and or, in conjunction with one or two of the other Commissioners will brief the Mayor showing him the abstracts on categories B and C and the Mayor's representative or the Mayor can comment on the sorts and the individual abstract but does not have the ability to change the sorting that the Commission decided on.

The Commission then finalizes the various B and C stacks and then forwards those categories to the search firm. The search firm then will perform a vetting process on the candidates only on category C, which are the qualified candidates, and the vetting will include but not limited to background check, public record check, and other customary methods used to confirm references and validate background of the candidates.

The search firm will then meet with the full Commission to evaluate the information generated by this vetting process and the Commission will decide on which candidates to interview.

At that point the Mayor will be brief one more time with the candidate abstracts that the Commission chooses to interview so that he is aware of the scope and breath of the candidates that the Commission has chosen to interview.

The Commission will then scheduled interviews with candidates to determine the finalists and determine whether or not a second interview or interviews are required. The Commission, if necessary, will conduct a second interview and any other review processes that the Commission deems appropriate prior to making a final decision.

The Commission will then select final candidates up to three candidates, 1, 2 or 3 candidates, then will forward to the Mayor and the Mayor will then choose or not a final selection from the candidates forwarded to him by this Commission. If he chooses not to select any of the candidates, then it goes back to the Commission for the process to begin again at some point to be determined by the Commission to review, re-interview, or come up with additional candidates to forward to the Commission. And this will continue in this process until some time the Mayor has made a selection."

Motion by Commissioner Mazzucco, second by Commissioner Onek to approve the process as described in the public record.

AYES: Commissioners Onek, Mazzucco, Lee, Marshall, Sparks
NAYS: Commissioner DeJesus

Commissioner Sparks stated that she will turn over what she read

tonight to the City Attorney and ask her to prepare a document for distribution to the Commission.

PUBLIC COMMENT

Daniel Landry discussed concerns that the Commission is a rubber-stamped commission.

Winship Hillier discussed concerns regarding the process.

Reuben Goodman stated that the power should lie with the Commission in choosing a Chief.

Commissioner Sparks provided a copy of the ad that went into Western Cities Magazine and a copy of salary review conducted by Mikki Calaghan on comparable Chief of Police salary with Los Angeles, Oakland, San Diego, San Jose, and Sacrament including the current salary of the Chief of Police of San Francisco; also included is the contract provision for severance provision for the Chief of Police for inclusion in the Commissioners packets.

HEARING AND POSSIBLE ACTION ON THE MOTION TO DISMISS DISCIPLINARY CHARGES FILED AGAINST CAPTAIN GREGORY CORRALES, FILE NO. C04-123 JWF, FILED ON JULY 23, 2004

(The hearing of Captain Gregory Corrales is taken in shorthand form by Ms. Anna Greenley, CSR, Roomian & Associates)

Mr. Bill Fazio, Attorney at Law, addressed the Commission and reaffirmed the waiver of confidentiality by Captain Corrales.

(The Commission recessed from 8:26 p.m. to 8:37 p.m.)

Mr. Bill Fazio, Attorney at Law, appeared for Captain Gregory Corrales.

Ms. Cecily Gray, Attorney at Law, appeared for the Office of Citizen Complaints.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION

Reuben Goodman asked that the Commission end the fajitagate case.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Marshall to hold closed session. Approved 6-0.

CLOSED SESSION (9:15 p.m. to 9:30 p.m.)

Deliberation in the motion to dismiss disciplinary charges filed against Captain Gregory Corrales, File No. C04-123 JWF.

(Present: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Chief Fong, Lieutenant Reilly, Deputy City Attorney Blits)

REPORT ON ACTION TAKEN IN CLOSED SESSION

Commissioner Mazzucco announced the ruling of the Commission and stated as follows:

"One, we disagree with the OCC that the Commission does not have jurisdiction in determining this matter. In fact, that the Commission does have jurisdiction to determine this matter and this motion. Secondly, the second

finding is the Commission has voted to deny the motion to dismiss as it is premature. There are triable issues of fact presented to this commission from both sides. In fact, both counsel raised some issues and were bringing up facts that were not in the articles. So in light of this, a motion to dismiss at this point in time is premature. There are triable issues of fact and we would like to set this matter for a trial so that we can get to the bottom of this matter as soon as possible."

RESOLUTION 23-09

HEARING ON MOTION TO DISMISS DISCIPLINARY CHARGES FILED AGAINST CAPTAIN GREGORY CORRALES (FILE NO. C04-123 JWF)

RESOLVED, that the Police Commission hereby denies motion to dismiss disciplinary charges filed against Captain Gregory Corrales, Star No. 1207 (File No. C04-123 JWF).

AYES: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek

VOTE WHETHER TO DISCLOSE ANY OR ALL OF THE DISCUSSIONS HELD IN CLOSED SESSION

Motion by Commissioner Marshall for non disclosure, second by Commissioner Onek. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 6-0.

Thereafter, the meeting was adjourned at 9:38 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

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Commissioner

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SAN FRANCISCO POLICE COMMISSION
NOTICE OF SPECIAL MEETING AND AGENDA
Thursday, March 5, 2009
6:00 p.m.

John O'Connell High School Auditorium
2355 Folsom Street
San Francisco, California 94110

Roll Call; Pledge of Allegiance

1. **Public Hearing**: The Police Commission invites comments and suggestions from members of the public regarding the Commission's executive search for candidates for Chief of the San Francisco Police Department. (DISCUSSION ONLY)

2. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Adjournment** (ACTION ITEM)

***** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

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DAVID OLEK
Commissioner

LIEUTENANT JOB REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

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(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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The proceeding will be held at: 2355 Folsom St. John O'Connell High School

Accessible MUNI lines serving this location is: 12, 14, 49 lines
For information about MUNI service call 923 6142

The closest BART Station is: 16th or 14th and Mission

Accessible parking 2355 Folsom St.

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

The Police Commission

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Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 11, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular meetings of February 4th and 18, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
   - Update on significant policing efforts by Department members

   b. OCC Director's Report
   - Review of Recent Activities

   c. Commission Reports
   - Commission President's Report
   - Commissioners' Reports

   Status Reports:
   - Chief of Police executive search
   - Organizational and other contemporary studies
   - Rules and procedures for Patrol Specials
   - Commission Office staffing
   - Subcommittee on Violent Crime

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4. Discussion and possible action to adopt revised Department General Order 8.07, "Hazardous Material Incidents" (ACTION ITEM)

5. Discussion and possible action to approve the following organizational restructuring, including recommendations of PERF and other studies, which may require amendments to the City Charter, and forward them to the appropriate City or County body for further action: (ACTION ITEM)

   - Modify terms of employment for the Chief of Police to become a contract employee

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 11, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Discussion and possible action to approve the following organizational restructuring, including recommendations of PERF and other studies, which may require amendments to the City Charter, and forward them to the appropriate City or County body for further action: (ACTION ITEM)

   - Increase the scope of disciplinary authority of the Chief of Police beyond the current 10-day limit

7. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

8. Public Comment on all matters pertaining to Closed Session.

9. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

(Closed Session)
Roll Call.

10. Closed Session
    a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
    Discussion and possible action to sustain or not sustain the disciplinary charges filed in case no. C06-119 KMO (ACTION ITEM)

(Reconvene to Open Session)

11. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

12. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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MARCH 11, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek

(Commissioner Marshall arrived at 7:51 p.m.)

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FOLLOWING ORGANIZATIONAL RESTRUCTURING, INCLUDING RECOMMENDATIONS OF PERF AND OTHER STUDIES, WHICH MAY REQUIRE AMENDMENTS TO THE CITY CHARTER, AND FORWARD THEM TO THE APPROPRIATE CITY OR COUNTY BODY FOR FURTHER ACTION:

- **Modify terms of employment for the Chief of Police to become a contract employee**

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DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FOLLOWING ORGANIZATIONAL RESTRUCTURING, INCLUDING RECOMMENDATIONS OF PERF AND OTHER STUDIES, WHICH MAY REQUIRE AMENDMENTS TO THE CITY CHARTER, AND FORWARD THEM TO THE APPROPRIATE CITY OR COUNTY BODY FOR FURTHER ACTION:

- **Increase the scope of disciplinary authority of the Chief of Police beyond the current 10-day limit**

(Both items taken out of order.)

Mr. Gabe Cabrera, Office of the Legislative Analyst, presented the reports in regards to Police Chief Hiring and Police Disciplinary Procedures.

Ms. Mikki Callaghan, Director Human Resources, stated that her position as DHR director is subject to Board's confirmation and it is stated in the Charter. Ms. Callaghan also explained about the severance available to the Controller and stated that the Controller's position is in the miscellaneous MEA contract and that is 30-day notice, and a week's pay for every year of service or up to 26 weeks, and that's in return for executing an agreement. She also stated that the Police Chief's MOU also covers two classifications which are the Director for Forensics and the Assistant Chief. Ms. Callaghan also explained the process for improving the severance in the MOU and stated that it would involve the city requesting MEA to open the contract, negotiations, and then go through the process with the Board, which would take a couple of months.

Commissioner DeJesus asked about reopening the MOU. Ms. Callaghan stated all negotiations are done by the Department of Human Resources under the authority of the Mayor.

Commissioner Onek suggested asking Director Callaghan to work with the Mayor's Office to address concerns put forward by the Commission such as what can and cannot be done with the MOU to address concerns such as severance and also the time line for each of the steps.

Commissioner Sparks suggested, rather than the Director working with the Mayor's Office, to direct a memo to the Mayor's Office and the President of the Board suggesting the criteria the Commission wants to see included and

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that there are two options: a Charter amendment and a renegotiation with the MOU. Commissioner Sparks suggested moving it in both directions simultaneously in hopes of getting quicker movement through the process.

Commissioner Marshall discussed concerns as to what the Commission would like to accomplish and having the resources to accomplish those goals.

Commissioner Lee expressed concerns regarding the time since April 15th is the deadline for applications for the Chief's position. She stated that this discussion can be set for a long term discussion but right now the Commission should just concentrate on getting the best package to attract the best candidates for the Chief's position.

Commissioner Mazzucco stated that to attract good applicants, at this point, working with the MOU is an easier alternative and stated that there probably will be a lot of qualified candidates.

Commissioner Sparks also stated that the PERF recommendations is independent of the process that is happening now with the search for the Chief of Police.

Commissioner DeJesus stated that the position should be protected and that the Chief of Police should have more independent power to move the Department forward to make the changes that are necessary. Commissioner DeJesus stated that the changes might not be on time for the new Chief but the process should be started.

Mr. Gabe Cabrera went on to present the second report in regards to increasing the scope of disciplinary authority of the Chief of Police beyond the current 10-day limit.

Commissioner Sparks explained that about two years ago, Chief Ribera, through USF, had a hearing to talk about this issue and that there was a universal consensus in the report that the Chief of Police of San Francisco should have a broader latitude of power to discipline than just the 10 days as provided in the Charter. This is to move things faster and that this would allow the Commission to concentrate on more serious offenses. Another option is for ask for more Commission staffing to do the legwork for the Commission, such as a hearing officer, to get things moving. Commissioner Sparks stated that the question for the Commission is is this a solution looking for a problem or does the Commission really need to do anything or should the Commission just go with what it has now.

Commissioner Marshall stated that he personally thinks that this is the Commission's biggest problem. He stated that process is extremely cumbersome and extremely slow. Commissioner Marshall stated that the Chief should have more power because it functions better. He stated that the Commission will do a greater service to the officers and to the Commission by giving the Chief more power over discipline and recommended the Charter amendment.

Commissioner Onek stated that on the PERF report, this issue was not on their scope but because the people that they talked to complained about it on all sides, they felt the need to put it in the report in some way. Commissioner Onek stated that the system is too slow and needs to be fixed. Commissioner Onek stated that there is a problem and the Commission should look at the best solutions for that problem.

Commissioner DeJesus stated the Commission should follow the Charter and stated that she has concerns about giving disciplines to the Chief and having the Commission completely excluded and recommended that the

Commission should get the resources that it should have in order to move this process along.

Commissioner Sparks recommended that if there is going to be a Charter amended, why not have a Charter amendment to actually staff the Commission so that it can do its job as civilian oversight under the Charter.

Commissioner Mazzucco stated that this is not about speeding up the process but about doing the right thing and stated that he does have full faith and confidence that whoever the Chief is can make a decision to give somebody up to 30 days without the Commission seeing it.

Mr. Steve Johnson, POA, addressed the Commission about concerns regarding the discipline process. He suggested increasing the Chief's power to suspend over 10 days with final approval from the Commission. Mr. Johnson stated that something has to be done in order to get the process going. He stated that the delay really hurt the officer because as long as discipline is pending, they cannot promote, they cannot transfer to specialized units, and they cannot become field training officers. Mr. Johnson suggested going into mediation with some of the older cases.

Commissioner Sparks also stated that, short of a Charter amended, the Chief can recommend disposition up to a certain point and then to the Commission for approval. She stated that the Commission can try that to see if it works and if it works, then a Charter amendment is not needed.

Commissioner Onek stated he will support increasing the authority of the Chief and he will also support that the Commission shall review decisions made by the Chief.

Chief Fong stated that she has heard a lot of discussions about discipline in regards to backlog and delays. She stated that she agrees with Commissioner Sparks and try to come up with a method to see if it would work and stated that she would like the Department and the POA to work together to bring settlements to the Commission and try to resolve some of the cases. She also stated that she does not agree with statements made about terminating officers if they were suspended over 30 days and stated that if the Commission comes up with a policy like that, it would hurt the men and women of the Department.

Commissioner Marshall urged the Chief and the POA to come up with something to get some progress in this matter.

Director Hicks stated that the first step would be to look at the discipline guidelines which need to strengthened and that there should be further in depth discussions about this matter.

Commissioner Sparks asked the Commissioners for volunteers to head the discussions in regards to the two matters discussed. Commissioner Mazzucco will work with Lt. Reilly on overseeing the case management process. Commissioner Sparks asked Commissioner DeJesus to work with the Department of Human Resources and the Office of Legislative Analyst to get current data and then bring it back to the Commission for evaluation.

PUBLIC COMMENT

Barbara Growth discussed concerns regarding discipline.

Mary Harris stated that disciplines and awards should be dealt with in a timely manner.

ADOPTION OF MINUTES

- **Regular Meetings of February 4th and 18, 2009**

Commissioner Onek discussed concerns regarding the resolution in regards to the OCC budget for the meeting of February 18th.

Commissioner Sparks requested that Risa watch the video and get the correct language.

Commissioner Onek stated that he would like language added that the Commission as a whole supports the OCC Mediation Program and would like the following language added to the minutes: "Commissioner Onek expressed strong support of the Mediation Program but expressed concerns that the city attorney was not present to advise the Commission on the implications of moving the budget forward without recommendation."

Commissioner Sparks stated that the February 18th minutes will be put over pending modification to add language from DVD recording.

Motion by Commissioner Mazzucco, second by Commissioner Onek to approved minutes of February 4, 2009. Approved 6-0.

PUBLIC COMMENT
None

PUBLIC COMMENT

Commissioner Jim Salinas commended and thanked Chief Heather Fong for her leadership.
Barbara Growth commented on the Chief's selection process.

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members

Chief Fong announced the Department has hired a Chief Information Officer that will start on March 23rd. Commissioner Onek congratulate the Chief for the new hire and asked for some background materials for this individual.

Chief Fong also talked about stimulus grants available to the Department. Grants available are the Cops Hiring Grant and Broadband initiatives.

Commissioner Sparks asked if Director Ken Bukowski of Fiscal can do a presentation in regards to the senior management structure of the Department basically Captains and above. Commissioner Sparks asked for an overview of the organization of the Department at that level. Commissioner Sparks also asked for a detailed overview of the Department's overtime, a breakdown of the overtime. Chief Fong stated that the Department will provide an organizational chart where all the captain and above are assigned and will provide an SF stat presentation.

Commissioner Onek commented on the cops grant and the support from Washington and encouraged the Department to keep its eyes and ears open in Washington to see what else will be coming down because there will be a lot of grant funding available.

b. OCC Director's Report
- Review of recent activities

Director Hicks discussed complaints received by the OCC. She stated that this month the OCC received 26 complaints and closed 24. Director Hicks also talked about outreach.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Status Reports:
- **Chief of Police executive search**
- **Organizational and other contemporary studies**
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**
- **Subcommittee on Violent Crime**

Commissioner Sparks announced that the PERF recommendation Phase 1 Implementation Plan will be discussed on April 1st and will be the only agenda item for that meeting. As far as Rules and Procedures for Patrol Specials, Commissioner Sparks stated she and Commissioner Mazzucco will meet with the consultant tomorrow and the contract will be executed in a day or two and will be moving forward with the study of rules and procedures for patrol specials.

Commissioner Lee asked Director Hicks if her office have received complaints in regards to traffic stops in the Mission District. Director Hicks stated that her officer have received complaints. Director Hicks explained that the OCC have investigators who speak Spanish as well as Cantonese and Mandarin.

Commissioner Sparks asked the Commission their opinion about applicants for the Chief of Police should or should not be required to have a bachelor's degree to make application. She stated that the current job announcement has that as an absolute requirement. Commissioner Sparks stated that she heard from some individuals who does not have a degree that is interested in applying and asked for Commissioner's opinion in that matter.

Commissioner Mazzucco stated that a bachelor's degree should be looked at as an additional criteria and it should not be a criteria that would prohibit people from applying for the job.

Commissioner Onek agreed with Commissioner Mazzucco and asked if the announcement went out already how can it be reversed. Commissioner Sparks stated she spoke with DHR Director Callaghan and stated that the primary criteria is when the brochure is develop and the criteria can be changed on both the ads and the brochure.

PUBLIC COMMENT

Mary Harris stated that higher education is encouraged but should not keep anybody from applying.

Barbara Growth discussed concerns about drugs and alcohol.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 8.07, "HAZARDOUS MATERIAL INCIDENTS"

Sergeant Matt Krimsky, Environmental Crimes Unit, sub unit of the Hit and Run Detail, presented Department General Order 8.07, "Hazardous Material Incidents."

PUBLIC COMMENT

None

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 6-0.

RESOLUTION 24-09

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 8.07, "HAZARDOUS MATERIAL INCIDENTS"

RESOLVED, that the Police Commission hereby approves adoption of revised Department General Order 8.07, "Hazardous Material Incidents."

AYES: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcement

b. Scheduling of items identified for consideration at future Commission Meetings

None

CLOSED SESSION

a. Discussion and possible action to sustain or not sustain the disciplinary charges filed in case no. C06-119 KMO

Put over for a future meeting.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

Thereafter, the meeting was adjourned.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 18, 2009
5:30 p.m.

3-17-09P03:20 RCVD

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular meetings of February 18th and 25, 2009

2. **Public Comment**
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3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - SFPD 3rd Quarter 2008 Document Protocol Report
      - 2008 Crime Trends and Homicide Overview
   b. **OCC Director's Report**
      - Review of Recent Activities
      - Presentation of the OCC's Annual Report for 2007 & 2008
      - OCC Mediation Program presentation
      - OCC Status Report regarding Department General Order 7.01, "Policies and Procedures for Juveniles Detention, Arrest, and Custody"
      - Presentation of the OCC's 4th Quarter 2008 Early Intervention System ("EIS" Report)
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of disciplinary charges filed in Case No. ALW C08-189 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of disciplinary charges filed in Case No. JWA C09-039 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

5. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505; SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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MARCH 18, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett, San Francisco, at 5:54 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek

SPECIAL AWARD PRESENTATION

Chief Fong introduced Captain Jimenez, Tenderloin, to present certificates of appreciation to Public Works employees, Mr. Donald Lewis and Mr. Gilbert Sudano.

Commissioner Sparks thanked Mr. Lewis and Mr. Sudano for their help in saving the life of an individual on February 8, 2009.

Director Ed Riskin, Department of Public Works, thanked the Chief and the Commission for recognizing Mr. Lewis and Mr. Sudano and commended both for their great work.

ADOPTION OF MINUTES

- **Regular meetings of February 18th and 25, 2009**

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 6-0.

PUBLIC COMMENT

Unidentified, San Francisco Immigrants Defense Committee, discussed concerns regarding racial profiling of immigrants at checkpoints.

Commissioner Sparks stated that she would like to calendar this for a hearing sometime in April to actually talk about what the issues are.

Hillary Ronnin, Attorney La Raza Central Legal, discussed concerns regarding fear for police and concerns regarding racial profiling.

Nora Calderon discussed concerns regarding racial profiling by the police.

Hanley Chan appeared to protest his suspension.

Juana Flores discussed concerns regarding juveniles being deported and families being separated.

Germina, La Raza Central Legal, discussed concerns regarding abuse against immigrants and racial profiling.

Rene Salcedo, La Raza Central Legal, discussed concerns regarding violation by the Department of the Sanctuary Laws and concerns regarding impounding vehicles and the 30-day law.

Abigail, Legal Services for Children, discussed concerns regarding change in the juvenile probation policy and reporting of juveniles to Immigration.

Commander Bok Pan, American Legion, commended the Chief and the Command Staff for keeping the city safe and expressed support for Patrol Special Hanley Chan.

Maria Rodriguez , St. Peter's Church, discussed concerns regarding a traffic stop by the police.

Thomas McCurry discussed concerns.

David Delgado discussed concerns regarding having his car impounded.

Michael Flynn, Attorney, National Lawyer's Guild, asked the police to stop racial profiling and checkpoints and stop cooperation with ICE.

Luis San Angelo discussed concerns regarding incident with a

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motorcycle officer and confiscation of the car.

Conti Davis discussed concerns regarding gang injunctions in the Mission District and would like statistical information.

Rosabella Savant discussed concerns regarding what the city is doing to immigrants.

Laura Hernandez discussed concerns regarding a traffic incident involving her husband and the Fire Department and the police confiscating his car and his driver's license and concerns regarding the recovery of the license.

Jill, La Raza Central, discussed concerns regarding confiscation of vehicles and racial profiling.

Unidentified discussed concerns regarding her son who was stopped for running a red light and ticketed for being an unlicensed driver and the car impounded and having to pay a lot of money to get it out.

Barbara Lopez discussed concerns regarding people being stopped and ticketed for being unlicensed and being stopped for having a rosary hanging on their rearview mirror.

Angelica, Family Advocate for Mission Neighborhood, discussed an incident for being stopped for having an air freshner hanging on the rearview mirror and the family having to pay over $800 to get their car out of impound.

Racquel Boteo discussed concerns regarding an incident of a husband being deported for a simple accident.

Theresa discussed concerns regarding racial profiling of Latinos and immigrant people and her daughter being stopped for having the wrong car seat and the car impounded and the officer taking the car keys home with her.

Juan Esteven discussed concerns regarding his son's truck being taken away for 30 days and having to pay $1,500.

Raul Silva, Young Workers United, discussed concerns regarding the police and having to protect their client's rights.

Shoshana, Chinese Progressive Association, discussed concerns regarding a vote of no confidence for the Police Department and the violations of people's civil rights and stated that there are no OCC forms available to the public.

Unidentified discussed concerns regarding being stopped by undercover cops for having an open container and his I.D. being taken and still have not recovered his I.D.

Israel Martinez discussed concerns regarding being in the park and stopped by an officer for identification and concerns of being stopped while he was with his family and why he was stopped.

Elizabeth Alexander discussed concerns regarding Latinos being stopped, and only Latinos, being stopped at the Tenderloin as part of the Violence Reduction Traffic Enforcement and zone policing programs.

Maria stated that getting in a car if you're a Latino is dangerous because the police can stop you and would like a dialogue meeting and data regarding stops.

Raul Calderon discussed concerns regarding being seen as a suspect and being made to kneel on the ground the whole time while the report is being made and held his truck for 30 days.

Oscar discussed concerns about being stopped for having an air freshner hanging on the rearview mirror and cited for no insurance and the officer stating to just sign the form and to take him to court.

Commissioner Lee suggested that Director Hicks set up a time and place with some of the community organizations to have investigators take the complaints. Director Hicks stated that she will have her investigators work with the community organizations.

Commissioner Sparks stated that the SFPD officers are fair and as a whole does not racially profile but there maybe instances where this might have happened and in those instances the officers will be asked to respond as to the reasons why and also retrain.

Commissioner Sparks also suggested having a joint meeting with the Board of Supervisors' Public Safety Committee and the Commission and stated that she will arrange a meeting with Supervisor Campos to arrange the meeting.

Commissioner Sparks also asked why I.D.s are confiscated and what the process is to get identification documents back. Also, what is the process in confiscating vehicles and why there is a 30-day hold and why it happens. Commissioner Sparks also would like to see the records to see what percentage of automobiles are confiscated for minor violations by SFPD as opposed to parking controllers and statistics on racial makeup of those individuals.

Commissioner Sparks also would like a better understanding on violence prevention traffic enforcement actions by the Traffic Company and would like to know what the policy is, when it was instituted, how it's monitored, and what basis individuals are stopped.

Commissioner DeJesus would like more information on pedestrian checkpoints and would like statistics on traffic stops as to who are being stopped, how many people are being stopped for traffic enforcements, the race of individuals being stopped and is it out of proportion in terms of the population in that particular community. Commissioner DeJesus also would like how many juveniles have been arrested since the start of the enforcement and are they always arrested on felony charges which triggers the ICE or the immigration.

Commissioner DeJesus stated that it will be a good idea to have a joint meeting with the Board of Supervisors and to have the Immigrant Rights Commission make a presentation regarding how policies have changed and how adversely they are affecting the community.

Angela Chan stated the there will be a joint meeting on April 13th of the Immigrant Rights Commission and the Human Rights Commission about the broader issue as to what's happening in San Francisco.

Commissioner Lee assured the public that the SFPD officers are professionals and well trained and asked for a report from the Chief as to the relationship of SFPD and ICE and under what circumstances is ICE contacted.

Commissioner Sparks explained that this item was put on the Commission agenda and then taken off because the Commission was waiting for other issues to resolve. Commissioner Sparks stated that it's time that it be put back on the agenda for a hearing on what the Police Department does.

Commissioner Onek stated that if there are allegations, it is crucial to file a complaint with the OCC. He also stated that a majority of the officers in the department do not practice racially biased policing. Commissioner Onek stated that the OCC has to go through all the individual cases and be investigated on its merits. Commissioner Onek further stated that regardless of the outcome of the individual cases, there clearly is a major problem when there's many community members having this problem with the Police Department, whether it's justified or not in each individual case. Commissioner Onek stated he looks forward to a properly noticed meeting so that the Commission can address the issues. Commissioner Onek reiterated that the vast majority of police officers in the Department are decent and practice fair and impartial policing and stated that he hopes that the community does not lose faith in the Department as a whole if they have issues with a handful of officers.

Commissioner Marshall stated that he would like to know what's the protocol for traffic stops or any stops. He stated that he would want to know

how it is supposed to be handled, how the people should react, what can be asked and what cannot be asked, how can the citizens respond, what can officers say or can't say, because people do not have any idea at all and they do not know what to expect. Commissioner Marshall suggested either a simulation or demonstration might help to answer these questions.

Commissioner Mazzucco expressed his support for the Department and for the officers. Commissioner Mazzucco would like to see some answers as to what happened. He would like an explanation as to what the STOP Program is about and how long is an out-of-state driver's license valid in California because there is a perception that the community is being harassed for those reasons.

Commissioner Sparks suggested forming a task force or a committee where there is continuous communication on a ongoing basis to keep the momentum going in this issue and that there is a formalized communication loop between the Commission and the community so that frustrations can be dealt with. Commissioner Sparks also suggested that the OCC have one investigator to deal with all these complaints so that the community can have one person to go to. Commissioner Sparks also talked about training community group members taking the complaint and forwarding it to OCC.

Ms. Lupe Ariola, Human Rights Commission, announced a joint meeting with the Immigrant Rights Commission and the Human Rights Commission titled Impact of Immigration Enforcement looking at how Federal Immigration Enforcement has impacted the local community. Commissioner Sparks requested a copy of any findings and recommendations and possibly a copy of the DVD of the hearing itself.

(The Commission recessed from 8:26 p.m. to 8:35 p.m.)

ROUTINE ADMINISTRATIVE BUSINESS (Taken out of order)

a. Commission Announcements

- **Assignment of disciplinary charges filed in Case No. ALW C08-189 to an individual Commission for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 25-09, Assigned to Commissioner Joe Marshall)
- **Assignment of disciplinary charges filed in Case No. JWA C09-039 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 26-09, Assigned to Commissioner Thomas Mazzucco)

b. Scheduling of items identified for consideration at future Commission Meetings

None

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

b. OCC Director's Report

- **Review of recent activities**
- **Presentation of the OCC's Annual Report for 2007 & 2008**
- **OCC Mediation Program presentation**
- **OCC Status Report regarding Department General Order 7.01, "Policies and Procedures for Juveniles Detention, Arrest, and Custody"**
- **Presentation of the OCC's 4th Quarter 2008 Early Intervention System ("EIS" Report)**

Director Hicks discussed complaints received. The OCC open 50 cases this month and closed 51. This year to date cases opened 201 cases and closed 211.

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **SFPD 3rd Quarter 2008 Document Protocol Report**
- **2008 Crime Trends and Homicide Overview**

Chief Fong explained why she left the room during public comment. The Chief stated that she had stepped out to talk to some individuals who complained about missing I.D.s. Chief Fong stated that one I.D. for an individual was found and will be sending it to his attorney. She also talked to another individual whose I.D. was taken and the Chief stated that the Department is able to identify which case and which officer so the Department can follow up. The Chief stated that she mentioned to these individuals that this is separate from the OCC matter but if the Department is able to return proper forms of identification, the Department is committed to doing that. The Chief also said she heard some of the questions asked and will get that information to the Commission. Chief Fong stated that she spoke with Angela Chan along with other advocates to set up a meeting to discuss concerns and stated the Department will work together with the different advocates. She will also call Dr. Fridell to discuss this matter.

Commissioner Sparks asked the Chief to keep the Commission in the loop on all communications and stated that Commissioners Marshall, DeJesus, and Lee will be working on behalf of the Commission on this issue.

b. OCC Director's Report continued:

Director Hicks presented the OCC's 2008 Annual Report.

Commissioner Onek commended Director Hicks for her leadership and commended the OCC for eliminating the backlog, closing more cases than they opened, doubling the mediation program, developing performance plans for the entire staff, and filling vacant positions. Commissioner Onek also stated that the POA feels that the OCC is meeting its mission of being a fair arbitrator of justice more so than they felt in the past.

Commissioner DeJesus also commended Director Hicks for her leadership and accomplishments. Commissioner DeJesus asked about delays in the investigation. Director Hicks stated that she feels there might be delays due to budget and staffing cuts.

Commissioner Sparks asked about the relationship between the OCC and the Department in terms of getting stuff back from the Department. Director Hicks stated that Chief Fong has been very responsive to her requests. However, there are still delays from the Department staff mainly in the subject of criminal investigations even though there is a City Attorney's Opinion that states that the OCC is entitled to that information. Director Hicks stated that there are still members of the Department who have stalled and delayed and prevented the OCC from moving forward with their investigation. Chief Fong responded and stated that she was aware of the OCC request for documents to be released and she is aware of the standing City Attorney's Opinion about the Department's responsibilities. Chief Fong stated that when there is reluctance to provide documents, the Department has not only directed someone to copy the whole case file, but also to sit and go through page-by-page and identify what's necessary so that when there's a concern that this document is confidential, all of that is addressed. Chief Fong suggested having a policy to support further discussions with the OCC.

Commissioner Sparks asked Director Hicks to update the Commission on this matter and to bring any concerns to the Commission because this has to be a collaborative effort.

Ms. Inez Vargas Fraenkel, OCC Attorney, presented the OCC's Mediation Program report.

Commissioner Sparks commended Director Hicks, Ms. Fraenkel, and Ms. Salazar for amazing statistics. Commissioner Sparks also commended Director Hicks for her leadership.

Commissioner Onek thanked Ms. Fraenkel for the Mediation Report. Commissioner Onek also asked about the survey and making it mandatory. Ms. Salazar stated that the survey is about 75 percent. Director Hicks explained that, because of the voluntary nature of mediation, it is better to strongly encourage them to fill it out and not to force them to fill it out. He also read a paragraph from the Denver Citizen Police Complaint Mediation Program evaluation about racially biased policing.

Director Hicks thanked all her staff present for that hard work they have done all year long.

Commissioner Sparks suggested putting over the report in regards to the Early Intervention System since Commissioner DeJesus requested this report and she had to leave tonight.

Commissioner Sparks stated that in the Commission's visits to District Stations, the Commission heard a lot of comments from officers in regards to the practical application on the street of DGO 7.01 and stated that she would like to pull out the 7.01 report tonight and have a more detailed discussion in regards to this matter.

Mr. Steve Johnson, commented on the OCC's reports and commended Ms. Donna Salazar for her work in mediation. Commissioner Sparks asked Mr. Johnson to accompany Director Hicks and the Commission when they appear in front of the Board of Supervisors to talk about the OCC budget and staffing.

Ms. Elise Nicholson presented the status report regarding DGO 7.01.

Ms. Angela Chan, Asian Law Caucus, stated that they are going through the DGO where the officers have expressed their concerns to identify the problems and how they can be addressed.

Commissioner Marshall discussed the concerns of the officers and asked that the officers be heard and to listen to what the officers are saying about the application of this DGO.

Captain Ehrlich, Juvenile Division, stated that there are a lot of significant issues in regards to DGO 7.01 and stated that he will go out to the Ingleside to find out what their concerns are. He also stated that the Department is doing a lot of training in regards to this issue.

PUBLIC COMMENT

Doris Vincent, Bayview Hunter's Point, asked if there is a fee in order to file a complaint. Director Hicks stated that there is no fee.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Onek. Approved 4-0.

Thereafter, the meeting was adjourned at 10:56 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 25, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - 2008 Crime Trends and Homicide Overview
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
      Status Reports:
      - Chief of Police executive search
      - Organizational and other contemporary studies
      - Rules and procedures for Patrol Specials
      - Commission Office staffing

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3. Discussion and possible action to adopt selection criteria for candidates for Chief of Police (ACTION ITEM)

4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case No. C09-044 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commission
   b. Scheduling of items identified for consideration at future Commission meetings

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 25, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

7. Closed Session

   a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL
   Daniel Alvarenga v. CCSF, et. al, USDC No. C07-02526

   b. Pursuant to Government Code section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):) (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL : Pending Litigation
   Fonseca v. Fong, California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227

(OPEN SESSION)
Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. Approval of Consent Calendar (ACTION ITEM)
   a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   Daniel Alvarenga v. CCSF, et. al, USDC No. C07-02526

10. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

MARCH 25, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:51 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, DeJesus, Lee, Mazzucco
ABSENT: Commissioners Marshall, Onek

Commissioner Sparks requested a moment of silence for the members of the Oakland Police Department killed in the line of duty on Saturday, March 21, 2009. They were Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege.

PUBLIC COMMENT

Lieutenant Lea Militello, President Pride Alliance, expressed deep sympathy to members of the Oakland Police Department. Lt. Militello discussed concerns about being misquoted after sending a letter to the editor of Ken Garcia in regards to the search of Chief of Police. She went on to read the letter she wrote to the editor. She commended the Commission for the job the Commission is doing.

Frank Terry discussed concerns regarding the Broadway area and calling for service and noise in the neighborhood and requested a meeting with Deputy Chief Cashman and Captain Dudley.

Diana Greer would like an agenda item to discuss drug dealers in Potrero Hill. Commissioner Sparks requested that she meet with Captain Loftus.

Barbara Growth discussed concerns regarding recent shootings in Oakland.

ROUTINE ADMINISTRATIVE BUSINESS (taken out of order)

a. **Commission Announcements**

- **Assignment of Disciplinary Charges filed in Case No. C09-044 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commission** (Resolution 27-09, Assigned to Commissioner Joe Marshall)

PUBLIC COMMENT
None

REPORTS TO THE COMMISSION

a. **Chief's Report**

- **Update on significant policing efforts by Department members**
- **2008 Crime Trends and Homicide Overview**

Assistant Chief Lynch introduced Deputy Chief Shinn who presented the 2008 Crime Trends and Homicide Overview.

Commissioner Lee expressed concerns in regards to the increase in rapes in five districts and asked if the Department is doing anything proactive to address communities of color and juveniles. Deputy Shinn stated that the message that these incidents be reported to the police is sent out to all the advocacy groups. The Department has developed a Cold Case Unit that meets every Monday specifically on sexual assaults. The Department is also working with the District Attorney's Office to develop the first Joe Doe Warrants which is a warrant that is based on DNA evidence. Commissioner Lee asked for a break down as far as race and the immigrant status in the Asian and Latino population and if the acquaintance rapes apply to these groups.

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Commissioner Sparks asked about arrests made for the homicide and rape incidents. Chief Shinn stated that he can come back with the information for the Commission but for the homicide incidents, Chief Shinn stated that for 2008, the Department is currently at 34 percent and for 2007 it is about 33 percent and for 2009 currently at 45 percent. Commissioner Sparks suggested that there should be plan to engage the community and try to change the relationship with the Department to get the community to step up in regards to homicides.

Commissioner Mazzucco asked if the Commission can be provided with the numbers of suspects arrested in rape cases that are currently registered sex offenders living in San Francisco.

Commissioner Sparks asked what to do to protect officers from assault weapons like an AK47. Chief Shinn stated that the Department have issued what is called Level III vests that will protect officers against weapons like the AK47 but it is very limited and only a certain amount is issued to district stations. Chief Shinn stated also that the vest are not flexible and uncomfortable for use on a daily basis. Commissioner Mazzucco asked if there is any new technology to make these vests more practical for everyday use by the officers. Chief Shinn stated that there are a number of companies out there that constantly come up with new products and that the Department do research. Commissioner Sparks asked that the Commission be updated on this issue.

Commissioner Sparks asked about staffing at the Investigations Bureau and asked if the overtime restrictions impeding the ability of Homicide and other units to investigate cases. Chief Shinn stated that Investigations Bureau is down about 20 percent based on the study and that the overtime restrictions does not impede on the ability of the units to investigate.

PUBLIC COMMENT

Unidentified discussed the number of auto thefts and the number of cars sold by the city.

Barbara Growth discussed concerns in the spike of homicides in the city and discussed concerns regarding the PERF study.

b. OCC Director's Report
- Review of recent activities

Ms. Inez Fraenkel, for OCC Director, briefed the Commission on cases opened and closed, mediation, and outreach. Ms. Fraenkel stated that the OCC opened 67 cases in March and closed 60. Total opened cases since January 1st is 218 and 220 closed with four sustained cases. She also stated that OCC mediated 2 cases for the month of March with 4 still on the schedule making it a total of 6 cases. Ms. Fraenkel also talked about OCC's recent outreach.

Commissioner Lee asked about the number of complaints in regards to last week's public comments regarding racial profiling. Ms. Fraenkel stated that she does not have a total number but stated that a number of complainants have come forward.

PUBLIC COMMENT

None

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
Status Reports:
- Chief of Police executive search
- Organizational and other contemporary studies

- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**

Commissioner DeJesus announced that on March 28th, there will be a community discussion, from 10 a.m. to 12 p.m., at the Bernal Heights Neighborhood Center, 515 Cortland Avenue, to discuss the new SFPD Police Chief.

Commissioner Sparks announced that there will be no community meeting this month and on April 1st the Commission will be discussed the First Phase of Implementation of PERF study.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO ADOPT SELECTION CRITERIA FOR CANDIDATES FOR CHIEF OF POLICE

Commissioner Sparks stated that she just wants to discuss what was said by the community and the officers as far as criteria for the new Chief of Police.

Commissioner Mazzucco stated that what he is hearing from the community is that they want to feel safe but they also want a police chief that they can have a working relationship with and from the police officers, the officers want a strong leader with experience working in the streets and someone with investigative experience.

Commissioner Lee thanked the community for their input and hoped that the Commission have conveyed to the pubic and the officers that this is an open and transparent process and consideration will be given to qualified candidates.

Commissioner Sparks stated that the Commission is looking for candidates from outside the Department and from inside the Department and that the Commission will select the best candidate irrespective of inside or outside the Department.

Commissioner Sparks stated that the community wants a Chief that (1) can deal with diverse communities and be able to look at San Francisco neighborhoods as unique neighborhoods and deal with the different neighborhoods as opposed to San Francisco as a whole; (2) someone that can stand up to the political pressures of San Francisco; (3) someone who is a strong leader that can support the rank and file and the community at the same time; (4) someone that can stand up for the department from attacks from the media; (5) that the command staff be out with the rank and file; (6) someone who has experience dealing with neighborhood and community groups, tourist community, and business people; (7) someone who understands the various cultures in the city; (8) some who is able to bring together neighborhood community and business groups; (9) someone who is comfortable outreaching to the community; (10) someone who has good people skills; (11) someone who is willing to develop a more comprehensive development program within the department; (12) someone who sees the civilian workforce as equivalent to the uniformed workforce as far as value; (13) someone who is familiar with immigration issues and the sanctuary laws; (14) someone who has a significant amount of experience on patrol; (15) someone who has experience dealing with seniors; (16) someone who looks beyond SFPD for ideas, solutions, and best practices.

Commissioner Sparks stated that this is a true process and that information gathered will be forwarded to the search firm and use as criteria in

looking at applications for the next Chief of Police.

Commissioner DeJesus reiterated some of the comments made by the community and the officers in regards to a new Chief of Police. Commissioner DeJesus mentioned open-minded, collaborative, committed to diversity, strong diplomacy skills, no micro-managing, community-oriented, somebody who understands technology, sensitive to disabled, understanding of international areas, fight for facilities, and have a review process from the bottom up.

Commissioner Sparks stated that the Commission believes that the San Francisco Police Department is one of the finest, if not the finest, urban police department in the United States and stated that with the PERF recommendations, the Department has a roadmap that will take this Department forward. Commissioner Sparks also commended Chief Fong and stated that Chief Fong was at the right place, at the right time and Chief Fong came in at a very difficult time and brought in a sense of calm, integrity, and trust. Commissioner Sparks stated that the Commission is looking for a leader that will make the whole Department a rock star and make every single officer in the department a rock star.

PUBLIC COMMENT

Winship Hillier discussed concerns regarding who has the bigger say as far as who would be the next Chief would be.

Steve Currier, President of the Outer Mission Residents & Merchants Association, commended Chief Fong and the officers of Ingleside Station. He further discussed a meeting with the Board of Supervisors and commended Commissioner Sparks for doing a great job in explaining the search for the new Chief.

Commissioner Sparks thanked the members of the public, the officers, and the POA for their input for the search for the new Chief.

ROUTINE ADMINISTRATIVE BUSINESS) (continued)

b. Scheduling of items identified for consideration at future Commission meetings

Lieutenant Reilly announced that the Commission will meet at the Bernal Heights Neighborhood Center, from 10 a.m. to 12 p.m., on March 28th, for discussion regarding search of new Chief of Police.

Commissioner Sparks asked for a breakdown by various units in the Bureau some demographics, percentage of females, percentage of minorities, how long members have been part of that unit, also an explanation of selection criteria and rotation policy within those units.

Commissioner DeJesus asked for statistics citywide in regards to traffic stops: How many stops are being made in each community; what is the ethnic race; what is the duration of the stops; what's the purpose of the stop; what's the outcome of the stop; how many cars are towed; how many cars are confiscated; how many are returned; how many are kept; and an explanation of towing statute and 30-day hold.

Commissioner Lee would like a presentation in regards to recruitment and promotion policies. Commissioner Lee also asked for a joint meeting with the Juvenile Commission to talk about juvenile issues.

Commissioner Sparks stated that she spoke with Supervisor Campos and that the supervisor will ask for a resolution to have a joint meeting with the Board's Public Safety Committee and the Commission to address profiling and the city's sanctuary policy.

Commissioner Sparks stated that, in light of the Oakland tragedy, she contacted Senator Leno and Assemblyman Ammiano to ask both of them to consider having hearings on the state's parole policy and that both were in total agreement.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 4-0.

CLOSED SESSION (From 8:09 p.m. to 8:55 p.m.)

a. Conference with Legal Counsel
Daniel Alvarenga v. CCSF, et. al, USDC No. C07-02526

b. Conference with Legal Counsel
Fonseca v. Fong, California Court of Appeal Case No. A120206; SF Superior Court Case No. 507-227

(Present: Commissioners Sparks, DeJesus, Lee, Mazzucco, Lieutenant Reilly, Deputy City Attorney Stump)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner DeJesus for non disclosure. Approved 4-0.

APPROVAL OF CONSENT CALENDAR

a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
Daniel Alvarenga v. CCSF, et. al, USDC No. C07-02526

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 4-0.

RESOLUTION NO. 28-09

DANIEL ALVARENGA v. CITY AND COUNTY OF SAN FRANCISCO, et al.

RESOLVED, that the recommendation of the City Attorney for settlement in the litigation of "Daniel Alvarenga v. CCSF, et al.," in United States District Court No. C07-02526, be, and the same is hereby approved.

Date of Incident: May 12, 2005

AYES: Commissioners Sparks, DeJesus, Lee, Mazzucco
ABSENT: Commissioners Marshall, Onek

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 4-0.

Thereafter, the meeting was adjourned in memory of Oakland Police Department members Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Department

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

DR. JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 1, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

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2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Presentation of the Department's 3rd Quarter 2008 Document Protocol Report
   b. OCC Director's Report
      - Review of Recent Activities
      - Presentation of the OCC's 4th Quarter 2008 Early Intervention System ("EIS" Report)
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

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3. Discussion and possible action to adopt revised Department General Order 8.12, "In-Custody Deaths" (ACTION ITEM)

4. Discussion and possible action to approve the Phase One Implementation Plan for The San Francisco Police Department developed by the Police Executive Research Forum ("PERF") (ACTION ITEM)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission meetings

6. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
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Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

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PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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Meeting agendas and other print materials will be made available in alternate formats (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

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The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

APRIL 1, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:52 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, DeJesus, Lee, Mazzucco, Onek
ABSENT: Commissioner Marshall

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members
- Presentation of the Department's 3rd Quarter 2008 Document Protocol Report

Assistant Chief Lynch, for Chief Fong, introduced Deputy Chief Keohane who introduced Director Ken Wysiocki, Chief Information Officer.

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Commissioner Sparks welcomed Director Wysiocki.

Commissioner Onek welcomed Director Wysiocki and asked him to look at the PERF recommendations because a lot of it deals with technology.

Lieutenant Dan Mahoney, Legal Division, presented the Third Quarter 2008 Document Protocol Report.

Director Hicks stated that the delay is significant.

Commissioner Sparks asked if a monthly report is in order so that if there document request go past the 10 days it can be placed on the agenda or in the quarterly report it can include how long after the document was produced over the 10-day period.

Commissioner DeJesus would like the monthly basis. Commissioner Mazzucco also agreed with the monthly report that would include a brief response from the Department staying the reasons why documents cannot be turned over.

Director Hicks stated that the OCC is fairly accommodating to the Department's requests of a 30-day extension but what would happen is that after the 30 days, another letter is sent by the Department asking for another 30-days. Commissioner Sparks stated that as long as the Commission knows what those extensions are for but the Commission does not want the statute of limitations to run and the OCC cannot finish their investigation.

Commissioner Mazzucco suggested that in the event that there is a need in order for the OCC to conduct their investigation in a timely fashion, Commissioner Mazzucco suggested having an in-camera hearing where the Department will come in and explain to the Commission the reason why they are not turning it over and the Commission can determine whether there is legitimate reason or not.

Commissioner Sparks stated starting with the monthly exception report with the time it is overdue and the reason.

Assistant Chief Lynch stated that he would be highly surprised if this situation happens again and stated that there was a misunderstanding as to what the role of OCC is as compared to MCD and that there is no difference and

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stated that they have communicated that and that if there is a problem, he has directed his staff to let him know and he'll work it through.

PUBLIC COMMENT

None

Commissioner Sparks asked for a summary on the Chief's Report in regards to anti-war demos.

b. OCC Director's Report

- Review of recent activities

- Presentation of the OCC's 4th Quarter 2008 Early Intervention System ("EIS" Report)

Director Hicks addressed complaints received and closed. Director Hicks stated that this quarter, the OCC opened 246 cases and closed 258. There are 380 pending cases, 186 from 2008 and 194 for this year. In 2008, the investigators were carrying 37 cases. This first quarter of 2009, the average caseload per investigators is 22 cases.

Director Hicks also talked about mediation and stated that for the first quarter, the OCC has mediated 16 cases as compared to last year's first quarter of 17 cases mediated.

Commissioner DeJesus asked about the EIS report and asked what the Department is doing as far as officers with 3or 4 complaints filed.

Commissioner Sparks requested asking the Department with a corresponding report to the OCC's EIS report and asked the Chief how can the Commission find out what is being done.

Deputy City Attorney Stump stated that the Department might be in a transitional phase because there was a prior order and now there is a new order and stated that it might make sense for the Department to take the questions, look at the order, and come back with a specific recommendation as to how this report might be revised to reflect the current order and also meet the Commission's request for additional information.

Commissioner DeJesus stated that what she wants to know is when an officer get 7 OCC complaints for the year, does it trigger the Early Intervention System and is someone looking into this and is something being done about it.

Assistant Chief Lynch stated that this report parallel the EIS requirement triggered quarterly but the OCC complaints is only one component of the entire list of what would hit the EIS system and is being done on a monthly basis.

Director Hicks explained that the EIS report they prepared is in compliance with DGO 3.19 which requires the OCC to quarterly compile a list of officers who've received 3 citizen complaints within a six-month period or 4 or more complaints within a year, forward it to the commanding officer of Risk Management. Director Hicks stated that this report shall only include complaints that are less than two years old. Director Hicks stated that the questions might be due to the multiple cards that are include and those are not required. Ms. Hicks stated that as far as action taken by the Department, the OCC fills in the information that is received.

Commissioner Sparks asked the Department for action if a complaint is sustained. Commissioner Sparks also stated that the EIS includes citizen complaints, MCD complaints, traffic accidents, etc. and asked if the Commission can find out from the Department what is happening with OCC

sustained complaints and since the Department cannot take something from the OCC and it does not feed into the EIS because is non disciplinary, but if the officer's record reflects an OCC complaint then that goes into EIS for monitoring and so is the EIS working, how is it reported, and do we know if anything is being done.

Director Tidwell explained that the Early Warning System has remained in place as the Commission approved DGO 3.19 in February two years ago and as the Department move forward in putting the new EIS system in place, one of the key indicators of the ten indicators is the OCC complaints, the Department have put in an interim system that was developed through its own databases and resources as the department continues to move forward with technology, with the vendor, and with implementation targets.

Commissioner Sparks stated that it was her understanding that even though it was interim, there will still be reporting pursuant to 3.19 and stated that the Commission does not want to wait until the new system is up and running before getting any reports.

Director Tidwell stated that it can be done and that a February report just went out today. Commissioner Sparks asked to get copies of the monthly reports for the Commission to look at. Commissioner Sparks stated that the Commission would like to see what the Department is doing and what it is producing as far as EIS reports to get an idea of how it is working.

Commissioner Sparks asked for an update on the EIS system as far as time line. Assistant Chief Lynch stated that the Department has a time line as part of the PERF recommendations that give a date and a target date to be on board. Commissioner Sparks asked for an overview and maybe periodic reports based on the various milestones so that the Commission can see if it is on track.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

Status Reports:
- **Chief of Police executive search**
- **Organizational and other contemporary studies**
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**

Commissioner Sparks stated that there are copies for the Commission of the final brochure/profile for the search for the new Chief. Commissioner Sparks set April 20th for screening of applications in Room 505, Hall of Justice and asked to notify Bob Murray & Associates.

Commissioner Sparks also stated that she had a meeting with Steve Kana to talk about contracts and MOAS and stated that Mr. Kana agreed to reopen the YOU and asked if any Commissioners would agree, along with the Mayor's Office, to contact Micki Callahan, DAR, and be involved in reopening the YOU and come up with an agreeable compromise with the Mayor's Office in adding a severance component to the new Chief's contract. Commissioners Lee and DeJesus agreed to do this.

Commissioner Sparks also announced that she had a conversation with the Mayor's Office about Chief Fong continuing beyond her original retirement date to ensure a smooth transition and that the Chief has agreed to that until such time that an orderly transition is made.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PHASE ONE IMPLEMENTATION PLAN FOR THE SAN FRANCISCO POLICE DEPARTMENT DEVELOPED BY THE POLICE EXECUTIVE RESEARCH FORUM ("PERF")
(taken out of order)

Assistant Chief Lynch introduced Mr. Craig Fraser and Mr. Bill Tegular of PERF, Ms. Carina Mansion, Ms. Peg Stevenson, and Ms. Catherine McGuire of the Controller's Office, and Lieutenant Mike Biel.

Chief Lynch stated that this overview will talk about the studies themselves, the development of a Vision Statement for the Department adopted by the Commission, a three-prong approach to achieving this vision based on policy, procedure, and phase one district. They will also talk about what a phase one district is and the selection criteria that was looked at for identifying a phase 1 station and then go on to the next steps of the process. Chief Lynch then went on with the presentation of the Phase One Implementation Plan.

Commissioner Sparks asked if the Department intends to give the Commission a quarterly report to get an understanding of what has been done, by recommendation. Chief Lynch stated that the Department will provide a quarterly report containing time lines, goals, reason for recommendation, et cetera.

Commissioner Sparks stated that the first quarter report will be scheduled for the first meeting in May which is May 6th.

Commissioner Sparks asked about moving forward and the time frame for the Phase 1 District implementation and time frame for other parts of the city. Assistant Chief Lynch stated that the first step was to identify the station and the management team that will be assigned to the station.

Commissioner Sparks asked how fast will this be communicated to the officers working at Ingleside and to the community in the Ingleside. Chief Lynch encouraged everyone to access the Department's website where this report will be posted and get a detail look at what the plan is and what it encompass. Commissioner Sparks encouraged the Department to get out to the people that this is affecting as quickly as possible to answer questions from both the community and the officers.

Commissioner Onek encouraged the audience to go to the website and look at the detailed report. He also stated he thinks it is a good idea to go into more detail of the key components and highlight some of the things so people get a sense of what it would mean to them in their day-to-day existence, for both the community members and the officers. Commissioner Onek asked for a more detailed explanation as far as the problem solving teams and how the entire district will be engaged in the problem solving and how this will lead to and enhance community policing.

Mr. Bill Tegular, former Commander Santa Ana Police Department, addressed the Commission as to his experience in the Field Operations Bureau and talked about problem solving and the SARA model.

Chief Lynch stated that PERF will be partnering with the Department in working with the management team in the station and will be working in workshops with PERF to look at what the initial plan is, to find out what weaknesses are and to modify that to meet the needs of the city and the Department; implement training as needed and then implement the actual study.

Commissioner Mazzucco asked how will the crime analyst be working

in a daily basis. Mr. Fraser explained that the analyst job is not just to sit around and look at data but to communicate with people within the station and to develop data from information provided by officers.

Commissioner DeJesus asked if there will be extra training added to the training curriculum. Mr. Fraser stated that their recommendation is an expansion in training and training has to be just at the right time so that officers can be trained and able to use that training immediately.

Commissioner DeJesus asked about the RMS system. Mr. Fraser stated that their recommendation is to create a district base system that can be linked to cable and the new RMS but is independent of those.

Deputy Chief Keohane addressed the Commission in regards to comments made by officers in regards to the computer system and stated that he had called the Captain and asked for more information so that problems can be rectified.

Commissioner Lee asked that the personnel team for the phase 1 district reflect the community it will be serving and stated that the team be familiar with language access.

Commissioner Sparks thanked Carina and Catherine of the Controller's Office for their work on this project.

PUBLIC COMMENT

Steve Currier, Outer Mission Residents and Merchants Association, stated that officers at the Ingleside are committed to community policing and stated that there is dialogue between the community and the department.

Jeanette Berger stated Santa Ana is not at all like San Francisco.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 8.12, "IN-CUSTODY DEATHS"

Sergeant Mike Nevin, MCD, presented DGO 8.12, "In-Custody Deaths."

Ms. Elise Nicholson, OCC, addressed the Commission.

Commissioner Sparks expressed concern with the use of "as soon as practical" language and asked that more definition be put in place and stated that the term "immediately" be put in place.

Commissioner Sparks also asked about officers returning to the bureau instead of FOB after being involved in an in-custody death situation. Chief Fong explained why the officer is assigned in the bureau instead of back to the station. Commissioner Sparks asked that a bulletin be sent out to the officers for clarification. Chief Fong stated that a clarification bulletin will be issued.

Commissioner Onek asked that a quarterly report or every six months instead of a yearly report would make more sense to get the information to the public. Sergeant Nevin stated that if an in-custody death occurs, the Commission is notified and that when the report is submitted to the review board, then the review board will make a presentation in regards to the findings and that it is a public document.

Commissioner Sparks asked if there is a difference between a juvenile in-custody death and an adult in-custody death. Sergeant Nevin stated that notifications would be made by the Medical Examiner's Office. Chief Fong stated that juvenile procedures protocol would override all the Department General Orders when it comes to juveniles.

PUBLIC COMMENT
None

Motion by Commissioner Mazzucco to approve DGO 8.12 with amendments, second by Commissioner DeJesus. Approved 4-0.

RESOLUTION 29-09

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 8.12, "IN-CUSTODY DEATHS"

RESOLVED, that the Police Commission hereby approves adoption of revised Department General Order 8.12, "In-Custody Deaths," with the following amendments:

That sections III.A, III.A.1., III.E.4. and III.E.4.a. shall read as follows:

"III. PROCEDURES

A. IN-CUSTODY DEATHS OCCURRING IN SAN FRANCISCO POLICE DEPARTMENT FACILITIES, VEHICLES, OR CUSTODY. Immediately after a person dies while in the custody of the San Francisco Police department, reasonable efforts shall be taken to make the following notifications:

1. An "involved member" shall immediately notify the Department of Emergency Management (DEM), and his/her immediate supervisor, or the platoon commander of the district in which the in-custody death took place.

. . .

E. INVOLVED OFFICERS. . . .

4. Involved members shall be assigned to their respective Bureau Headquarters. The Officer shall not return to regular assignment for a minimum of 10 calendar days.

a. Within 5 business days of an in-custody death, the Chief of Police shall convene a panel to discuss whether it is appropriate for the involved member(s) to return to duty. The Panel shall include a representative of the Behavioral Science Unit, the officer-in-charge of the Homicide Detail, the Deputy Chief, Commander, and Captain overseeing the involved officer's unit, the officer-in-charge of the Management Control Division, the Deputy Chief of Investigations and officer-in-charge of Risk Management.

. . ."

AYES: Commissioners Sparks, DeJesus, Mazzucco, Onek
ABSENT: Commissioners Marshall, Lee

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Scheduling of items identified for consideration at future Commission meetings

Commissioner Sparks stated that Supervisors Campos and Mirkirimi proposed a joint meeting with the Commission in regards to the sanctuary laws and stated that no date has been set and stated that the Board offered a resolution relative to undocumented juveniles when arrested and whether they are reported or not reported and asked the Chief for a presentation in regards to that issue and asked for a detailed presentation to the Commission to be prepared for the public hearing with the Board.

Commissioner Mazzucco commended the Department for their services for the memorial services of four Oakland Police Officers.

Commissioner Onek also stated that Chief Fong was there and that she chose to sit with the troops instead of the other Chiefs present and commended the officers and the Department.

Commissioner DeJesus also commended the Department and the officers for their services during the memorial.

Commissioner Sparks also stated that the community of Oakland came out in support of the Oakland Police Department.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 4-0.

Thereafter, the meeting was adjourned.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

TEREASA SPARKS
President

DR. JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS F. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL
41 Dr. Carlton B. Goodlett Place
San Francisco, California

15
1
18/09
ancelled

The Commission will not meet on Wednesday, APRIL 8, 2009.

Please join the Commission at its next meeting on Wednesday, April 15, 2009, at 5:30 p.m., in Room 400, at City Hall.

04-03-09P03:38 RCVD

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 15, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular meetings of March 4th and 11, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Police Commission's 1st Quarter 2009 Report of Closed Session Disciplinary Actions (Veronese Resolution)
   - OCC's 1st Quarter 2009 Statistical Report

04-14-09A10:40 RCVD

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Presentation of the 1st Quarter 2009 FDRB Findings & Recommendations
      - Presentation of the Officer-Involved Shooting Investigation Status Summary
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
      Status Reports:
      - Chief of Police executive search
      - Organizational and other contemporary studies
      - Rules and procedures for Patrol Specials
      - Commission Office staffing

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5. Status report regarding the Community Safety Camera Program (DISCUSSION ONLY)

6. Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 15, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in disciplinary case no. ALW C09-044 who retired from the Department. Said disciplinary charges will be placed back on calendar should the officer be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

8. **Routine Administrative Business** (DISCUSSION & POSSIBLE ACTION)
   a. Commission Announcements
      - Assignment of an Appeal of the Chief's Suspension filed in Case No. ALW D08-126, MCD #A 087-08 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of disciplinary charges filed in Case No. ALW C08-023 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings
   c. Discussion and possible action to set the locations of future District Commission Meetings

9. Hearing and possible action on disciplinary charges filed against Lieutenant Jerry Lankford, File No. KMO C06-119 (ACTION ITEM)

   The Commission may decide to consider Item No. 9, in whole or in part, in closed session pursuant to Government Code section 54957(b)(1), S.F. Administrative Code Section 67.10(b), and Penal Code section 832.7. In which case:

   a. Public Comment on all matters pertaining to the Closed Session.
   b. Vote on whether to hold Closed Session (San Francisco Administrative Code Section 67.10)(ACTION ITEM)
   c. Reconvene to Open Session:
      i. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b).
      ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a).

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

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Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

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PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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Meeting agendas and other print materials will be made available in alternate formats (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

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The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

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For information about the meeting call 553-1667 (v) or 553-9194 (tty)

APRIL 15, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan
(Commissioner Lee arrived at 5:58 p.m.)

Commissioner Sparks welcomed new Commissioner Vincent Pan. Commissioner Pan introduced himself and gave a brief bio.

ADOPTION OF MINUTES

- Regular meetings of March 4th, and 11, 2009

Motion by Commissioner Sparks to recuse Commissioner Pan, second by Commissioner Mazzucco. Approved 5-0.

Motion by Commissioner Marshall, second by Commission One to approve the minutes. Approved 5-0.

PUBLIC COMMENT

Steven Robert Morse, reporter Public Press, investigating translation services and language difficulties within emergency response and 911 calls and stated that he has contacted the Department and have not received a response.

Frank Martin Del Campo, SEIU 1021, thanked the Commission for meeting with the civilian members of the Department. He also gave a brief report regarding the payroll clerks.

Hellene Delanini with Annette Lee discussed concerns regarding Chief Fong and the demotion of Gregory Shr.

Unidentified commended the Chief and the members of the Department discussed concerns regarding restraining order.

CONSENT CALENDAR

- **Police Commission's 1st Quarter 2009 Report of Closed Session Disciplinary Actions (Varanasi Resolution)**
- **OCC's 1st Quarter 2009 Statistical Report**

Director Hicks asked that the 1st Quarter OCC 2009 Statistical Report be severed from the Consent Calendar to be discussed under the OCC Director's Report.

PUBLIC COMMENT
None

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Presentation of the 1st Quarter 2009 FDRB Findings & Recommendations**
- **Presentation of the Officer-Involved Shooting Investigation Status Summary**

Chief Fong introduced Director Richard Nichleman of Support Services. Director Nichleman addressed the Commission and gave a brief bio.

Chief Fong also talked about the Vehicle Theft Award Ceremony, sponsored by the California Highway Patrol and AAA, 10A51 Award, in which 612 recovered vehicles and 176 arrests were made by officers that were

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honored. Members of the Department honored were Pat Zapponi, Judith Solis, Ronald Choy, Jason Kirchner, Matthew McKenzie, Aaron Fisher, Michael Ellis, Jamie Campbell, Justin Herb, Amy Irwitz, Raymond Cane, Dan O'Brien, Brian Rodriguez, Richard Yick, Kirk Yin, Matthew Kenny, Louise Olivia, Jennifer Streegan, Raul Elias, John Keesor, Eric Altofer, Steven Coleman, Raymond Cruz, Duane Elzey, Giuseppe Festa, Gregory Pak, Marvin Perventola, Jose Guardado, Carla Lee, Eddie Martinez, Joseph Mediola, and Matthew Ashby.

Sergeant Mike Nevin, MCD, presented the 1st Quarter 2009 FDRB Findings & Recommendations and the OIS Status Summary Reports.

Chief Fong announced that Dr. Fridell held a meeting with Commissioners Marshall and DeJesus, members of the Department, and representatives from some of the immigrant rights groups and the Department will be looking at how to clarify policies, issues, reminding bulletins, and also looking at making some recommendations for general orders and stated that probably in the next week or two the Department will be able to make a presentation.

Commissioner DeJesus stated that it was a very positive meeting and talked about towing of the cars as discretionary and stated that the Department should look at this to see if a more humane approach can be taken in this particular issue.

Commissioner Marshall stated that he thought that they made great progress.

Commissioner Sparks asked for a more detailed report in regards to the meeting and hopes to get specific answers to questions asked during the public hearing. Chief Fong stated that she will bring that information back.

PUBLIC COMMENT
None

b. OCC Director's Report
- Review of recent events
- OCC's 1st Quarter 2009 Statistical Report

Director Hicks presented the OCC's 1st Quarter 2009 Statistical Report.

Commissioner DeJesus asked if the OCC would consider furloughs instead of laying people off. Director Hicks stated that the OCC employees are represented unions and it would be up to their unions to determine.

PUBLIC COMMENT
None

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
Status Reports:
- Chief of Police executive search
- Organizational and other contemporary studies
- Rules and procedures for Patrol Specials
- Commission Office Staffing

Commissioner Sparks announced that she and Chief Fong attended the joint meeting with the Board of Supervisors and the Human Rights Commission. Commissioner Sparks stated that the meeting was held to talk about federal enforcement of immigration laws in San Francisco and that

transcripts will be sent to the Commission as soon as they are received from the Human Rights Commission.

Commissioner Sparks also announced that the Commission will have a special meeting on Monday, April 20th, in room 505, at the Hall of Justice. This meeting will be open which will then go into closed for the Commissioners to review resumes of applicants and is hoping to have interviews sometime in May and have something for the May prior to the end of May.

PUBLIC COMMENT
None

STATUS REPORT REGARDING THE COMMUNITY SAFETY CAMERA PROGRAM

Lieutenant Neville Gittens presented the Community Safety Camera Program report.

Commissioner Pan asked about cost for cameras versus additional officers on the streets. Lieutenant Gittens stated that the cameras are additional tools for the Department. Chief Fong explained it cost about $1 million for seven or eight officers. Chief Fong stated that hiring officers and having cameras are two different things and that the cameras are additional tools for the officers. She also stated that the Department is committed to working with its community partners in evaluating whether the camera should be retained or not.

Mr. Rich Robinson, Chief Operations Officer Department of Technology, stated that in this year's budget, $200,000 have been placed for maintenance of approximately 70 cameras in 20 locations.

Commissioner Lee stated that the community should be aware that the camera, unless there is a camera in every block, is not a solution to public safety and that in addition to mapping of camera locations that statistics outside the camera range be included so that the public is informed that crime may increase outside of the camera range.

Commissioner Sparks stated that the CITRIS report was very clear that the cameras did not address the issue of violent crime up to 250 feet of the camera location. Commissioner Sparks stated that what the Commission needs is a recommendation from the Department so that the Commission, as a policy making body, can make a decision whether or not the cameras are effective or not effective and whether or not the system warrant further use. Commissioner Sparks stated that what the Commission is looking for is a recommendation from the Department on what it is going to do; what is the Department recommending the use to be; how much it's going to cost; what time frame; and, what is the expectation as to what it is going to do. Commissioner Sparks asked when will the Department be going back to the Commission with a recommendation as to what the Department believes is the future of the camera system and the use of other systems.

Commissioner Mazzucco stated that the Commission needs more statistical evidence and new statistical evidence since the cameras have been in place.

Commissioner Onek stated that how is the camera program going to be integrated into the overall vision of the Department and all the changes that are coming through from all the different reports and is there a fit for the camera program with all the other things the Department will be doing.

Commissioner Marshall stated that it is really important to him to know what the Department really thinks of the cameras.

Commissioner DeJesus stated that Department might consider putting more lighting if the cameras are not working as a crime deterrent.

PUBLIC COMMENT

Steve Currier, OMMRA, spoke in support of the safety cameras.

Richard Robinson showed a graph showing change in property crime within 100 feet of the cameras.

Commissioner Mazzucco asked for statistics in regards to how many crimes have been solved by the cameras and how many cases have been dismissed because of the cameras.

PRESENTATION OF THE QUARTERLY REPORT BY THE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS REGARDING POLICY PROPOSALS

Lieutenant Rob O'Sullivan presented the quarterly report by the Department regarding policy proposals.

Ms. Elise Nicholson, OCC, addressed the Commission in regards to the accomplishments made by the Department and the OCC.

Commissioner Sparks asked about DGO 3.16 and 8.09 dealing with media relations and release of police reports. Lt. O'Sullivan stated that 3.16 is with the city attorney's office and 8.09, a copy of the draft was sent to the OCC last week. Lt. O'Sullivan also stated that in regards to release of homicide investigations the Department has issued a Department bulletin #09-053.

Commissioner Sparks asked about 7.01 and Ms. Nicholson stated that they are meeting with the different agencies and Captain Ehrlich in regards to this DGO. Commissioner Sparks asked Ms. Nicholson if they can have one of their meetings at the Ingleside to get feedback from the rank and file.

Commissioner DeJesus stated that DGO 9.06 might be modified very quickly.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN DISCIPLINARY CASE NO. ALW C09-044 WHO RETIRED FROM THE DEPARTMENT. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD THE OFFICER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 7-0. (Resolution No. 30-09)

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of an appeal of the Chief's Suspension filed in Case No. ALW D08-126, MCD #A 087-08 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 31-09, Assigned to Commissioner Mazzucco)
- **Assignment of disciplinary charges filed in Case No. ALW C08-023**

to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Resolution No. 32-09, Assigned to Commissioner Marshall)

b. **Scheduling of items identified for consideration at future Commission Meetings**
None

c. **Discussion and possible action to set the locations of future District Commission Meetings**

RESOLUTION NO. 33-09

SETTING THE LOCATIONS OF FUTURE DISTRICT COMMISSION MEETINGS

RESOLVED, that the following District Meetings will be held in the following Districts:

May 27, 2009 - Richmond
June 24, 2009 - Central *(preferably in the Chinatown area)*
July 29, 2009 - Ingleside
August 26, 2009 - Southern *(Treasure Island)*

AYES: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan

HEARING AND POSSIBLE ACTION ON DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD, FILE NO. KMO C06-119

Lieutenant Lankford addressed the Commission and stated that he did know the officer and had no reason to intimidate him.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION

Ms. Eileen Burke, Attorney at Law representing Lt. Lankford, addressed the Commission and asked if the Commission had received the written motion to dismiss.

Ms. Ashley Worsham, Attorney at Law, addressed the Commission on behalf of the Department.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 7-0.

CLOSED SESSION (8:30 p.m.)
(Present: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan, Lt. Reilly, City Attorney Blits, Chief Fong)

Reconvene to Open Session (9:45 p.m.)

POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION

Commissioner Sparks announced that the Commission voted unanimously to excuse Commissioner Pan from voting.

Commissioner Sparks announced that all the Commissioners read the motion to dismiss and denied the motion to dismiss the case unanimously.

Commissioner Sparks announced that all Commissioners affirmed that they read the transcripts.

Commissioners Sparks also announced that the Commission unanimously voted not to sustain the charges against Lt. Jerry Lankford.

VOTE WHETHER TO DISCLOSE ANY OR ALL OF THE DISCUSSIONS HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco for non disclosure, second by Commissioner DeJesus. Approved 7-0.

PUBLIC COMMENT
None

HEARING AND POSSIBLE ACTION ON DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD, FILE NO. KMO C06-119

The hearing in the disciplinary charges filed against Lieutenant Jerry Lankford, Support Services, was called it having been set for this date. Lieutenant Lankford was charged, in a properly verified complaint by Chief Heather J. Fong, Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Intimidating a witness is conduct which undermines the good order, efficiency and discipline of the Department, and which brings discredit upon the Department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Lieutenant Jerry Lankford appeared in person and was represented by Ms. Eileen Burke, Attorney at Law.

The Commission took the matter under submission, deliberated, and returned, after which the following resolution was adopted:

RESOLUTION NO. 34-09

DECISION - HEARING OF LIEUTENANT JERRY LANKFORD, STAR NO. 1707, SUPPORT SERVICES

WHEREAS, on August 7, 2006, Chief Heather J. Fong, Chief of Police, made and served charges against Lieutenant Jerry Lankford, as follows:

SPECIFICATION NO. 1
Intimidating a witness is conduct which undermines the good order, efficiency and discipline of the Department, and which brings discredit upon the Department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

(1) At all times herein mentioned, Jerry Lankford, Star Number 1707, (hereinafter referred to as "the accused") was and is a police lieutenant, employed by the San Francisco Police Department, currently assigned to the Planning Division.

(2) As a member of the Department, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) As a superior officer, the accused was and is obligated to set an example of efficiency, sobriety, discretion, industry and promptness, and was and is required not to use abusive language or act arbitrarily in dealing with subordinates (San Francisco Department General Order 1.06(I)(A)(1)).

(4) On August 8, 2005, at approximately 1145 hours, the accused was walking in the lobby of the Hall of Justice, 850 Bryant Street, in San Francisco.

(5) On August 8, 2005, at approximately 1145 hours, Officer John Doe #1 and Officer John Doe #2 were walking in the lobby of the Hall of Justice, 850 Bryant Street, in San Francisco. The officers were walking side by side as they approached the snack bar located on the east side of the building. There was not significant pedestrian traffic in the hallway.

(6) The two officers observed Lieutenant Lankford walking in their direction on the opposite side of the hall. Lieutenant Lankford looked in the direction of both officers and crossed the hall toward the officers. Lieutenant Lankford appeared to the officers to be "puffing out his chest" in an intimidating manner. Lieutenant Lankford started on the opposite side of the hallway and had now moved direction in front of Officer John Doe #1. Officer John Doe #1 moved aside, so not to collide with Lieutenant Lankford. Lieutenant Lankford kept his focus on Officer John Doe #1, as he passed between the two officers. Officer John doe #1 said, "Excuse me" to Lieutenant Lankford. Lieutenant Lankford looked over his shoulder, in a fixed stare directed at Officer John Doe #1.

(7) Officer John Doe #1 is a witness officer in the Police Commission case number JWA C04-126, in the matter of Lieutenant Jerry Lankford, Star No. 1707.

(8) Officer John Doe #1 wrote a San Francisco police report of an incident involved in the Police Commission charges.

(9) The accused, by in intimidating a witness, has engaged in conduct which is cause for discipline or dismissal from employment, and such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to undermine the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on August 16, 2007, December 15, 2008, December 18, 2008, and on April 15, 2009 where the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Lieutenant Jerry Lankford as contained in Specification No. 1 are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1 filed against Lieutenant Jerry Lankford, be, and the same are hereby dismissed.

AYES: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek
RECUSE: Commissioner Pan

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 7-0.

Thereafter, the meeting was adjourned at 9:49 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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Police Department

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April 20, 2009 - Special Meeting

Theresa Sparks
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

Yvonne Lee
Commissioner

Thomas Mazzucco
Commissioner

David Onek
Commissioner

Lt. Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION
NOTICE of SPECIAL MEETING and AGENDA
Monday, April 20, 2009
10:00 a.m.

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 505
San Francisco, California

(CLOSED SESSION)

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Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco

Administrative Code Section 67.10) (ACTION ITEM)

3. Closed Session

a. Pursuant to Government Code section 54957(b) and San Francisco Administrative Code Section 67.10(b):
PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b). (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

6. Adjournment

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Commission will hear public comment on all agenda items before or during discussion of the item. The period of time allowed for public comment may be modified by the Chair in the interest of fairness to all those wishing to address the Commission.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
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(415) 554-5163; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 22, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

Roll Call; Pledge of Allegiance

1. Approval of the Minutes (ACTION ITEM)
   - For the meeting of March 18, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
      Status Reports:
      - Chief of Police executive search
      - Organizational and other contemporary studies
      - Rules and procedures for Patrol Specials
      - Commission Office staffing

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4. Presentation regarding the Safe Path Of Travel ("SPOT") Program (DISCUSSION ONLY)

5. Discussion and possible action to accept the Department's recommendation denying appointment of Troy Eugene Coleman as Assistant Patrol Special Officer (ACTION ITEM)

   The Commission may decide to consider Item No. 5, in part, in closed session pursuant to Government Code section 54957(b)(1), S.F. Administrative Code Section 67.10(b). In which case:

   a. Public Comment on all matters pertaining to the Closed Session.
   b. Vote on whether to hold Closed Session (San Francisco Administrative Code Section 67.10)(ACTION ITEM)
   c. Reconvene to Open Session:
      i. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b).
      ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a).

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 22, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of disciplinary charges filed in Case No. KMO C09-073 to an individual Commissioner for the taking of evidence on a date to be determined by the Commission
      - Assignment of disciplinary charges filed in Case No. ALW C09-070 to an individual Commissioner for the taking of evidence on a date to be determined by the Commission
   b. Scheduling of items identified for consideration at future Commission meetings

7. **Adjournment** (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.**

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

APRIL 22, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Lee, Mazzucco, Onek, Pan
ABSENT: Commissioner DeJesus

APPROVAL OF THE MINUTES

- **For the meeting of March 18, 2009**

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 6-0.

PUBLIC COMMENT

Connie Ramirez Webber discussed concerns regarding the demotion of Captain Greg Suhr.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

2/09

Chief Fong reported on two items. Chief Fong announced that the Lyons Club honored law enforcement officers and firefighters. Members of the Department honored were Lt. Kitt Crenshaw, Officer Christina Frankel, Officer William Garcia, Officer Julian Hermosura, Inspector Valerie Matthews, Officer Cesar Perez, Officer John Ruggiero, Inspector David Tambara, Sergeant Paul Yip, and Sergeant Dominic Yin.

Chief Fong also reported on funding regarding officers assigned to MRT and introduced Deputy Chief Parra to talk about the budget and the Traffic Company.

Deputy Chief Parra, SFMTA, talked about discussions regarding Traffic Company and the MTA. Deputy Chief Parra stated that discussions are about how the Captain of the Traffic Company will report to him on a daily basis, possible special events unplanned and planned, but the majority of the time, they will be looking at creating safer streets for pedestrians, traffic, and transits. Chief Parra explained that it would still be a work order format where funding will be coming from the SFMTA but the SFMTA would have a higher level of influence in the daily assignments in regards to traffic enforcement.

Commissioner Sparks stated that she would like a better understanding on how this is going to work and stated that she would be against transferring the Traffic Company such that it would be working under the SFMTA and stated that it would be ill advised for the SFPD to do that.

Commissioner Mazzucco stated that he heard about this in the newspaper and the officers in Traffic heard about this in the newspaper and stated that officers involved should have known that this process is going on and stated that there is a need for clarification. Commissioner Mazzucco stated that the Commission needs to know the reason for this and if it is budgetary and it works well for the Department then that's a good thing but those involved should be informed and there should be a clear path.

Commissioner Sparks asked that she would like to see this as an agenda item before any decisions are made. Chief Fong asked that it be calendared next week.

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Commissioner Marshall commended the officers involved in the arrest of a burglary suspect in the Taraval District.

b. OCC Director's Report
- Review of Recent Activities

Director Hicks reported on three items: First, complaints received and stated that the OCC has opened 317 cases since January 1st, and closed 299. In April, 73 cases opened and closed 43. Second, mediation, Director Hicks stated that the OCC has mediated 21 cases since January 1st. Director Hicks further talked about outreach by the OCC.

Commissioner Sparks stated that she was contacted by the Deputy Director of BART and was asked if Director Hicks, Commissioner Marshall, and herself might be available to participate in a public outreach sessions on BART's police oversight concept. Director Hicks stated that she and her staff will be happy to participate.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
Status Reports:
- **Chief of Police executive search**
- **Organizational and other contemporary studies**
- **Rules and procedures for Patrol Specials**
- **commission Office staffing**

None

PUBLIC COMMENT

Sharon Hewitt commended the Department in regards to Housing and talked about concerns regarding the homicide of a 17-year old.

PRESENTATION REGARD THE SAFE PATH OF TRAVEL ("SPOT") PROGRAM

Lieutenant Nicole Greely, FOB, presented the Safe Path of Travel ("SPOT") Report.

Commissioner Sparks asked if the officers working this program operation under the 10B program. Lt. Greely stated that no, it operates under a work order program.

PUBLIC COMMENT

Sean Whalen discussed concerns about an incident involving Officer John Nevin and a $600 fine and talked about a hearing with Sgt. Tobin and a mediator.

Grace Shanahan, Residential Builders' Association (RBA) addressed the Commission and discussed concerns regarding the SPOT Program.

Richie Hart, RBA, discussed concerns regarding SPOT Program.

Noreen Byrne discussed concerns regarding having the police department handle the SPOT Program and recommended the following: (1) double parking should be enforced as double parking; (2) construction specific variables such as scaffolding should be left to be reinforced by the respective jurisdictions; (3) the SPOT Program needs to follow a specific and clear and public interpretation of 194.3 and the rules of the special traffic permit; and (4) there should be a graduated penalty for 194.3 violations that begin with verbal and written warnings and focuses on education. Ms. Byrne went on to thank Lt. Greely on behalf of all the RBA members present tonight.

Charles Brodiger, builder, discussed concerns that SPOT Program

officers are not sufficiently trained with the American with Disabilities Act.

David Sternberg, architect, talked about code interpretations.

Jim LeVec, contractor, discussed concerns regarding double parking in front of a job site getting fined $699 and the fine going to the contractors and not the driver of the vehicle.

Paul Driscoll, general contractor, discussed concerns regarding mediation program.

Steve Magliore discussed concerns regarding SPOT officers issuing tickets without any explanations.

Mark Brennan, RBA, discussed concerns regarding selective enforcement by SPOT officers and talked about statistics showing majority of tickets are issued to private contractors.

Dennis O'Donnel, general contractor, discussed ticket received from Officer Pat Tobin with no explanation or warning.

Roger Davis, Delancy Street Foundation, discussed concerns regarding fines for double parking.

Kiran Buckley, small general contractor, showed photos of Diamond Street and discussed concerns regarding requirement for 10 officers to work the job.

Joe Cassidy discussed concerns regarding Pierce and Lombard job site and selective enforcement and tickets for $620.

Tony Martinez, Granite Excavation safety officer, discussed concerns regarding SPOT officers recognizing unsafe hazards.

Glenn Wilson, Granite Excavation, discussed concerns regarding Scott Brody and Pat Tobin.

Leo Cassidy, contractor, discussed concerns regarding Scott Brody, DPT, and Pat Tobin of the Department.

Jeff Rocca discussed concerns regarding ticket from SPOT program issued with no explanation and concerns regarding pre-requisite of having two checks in order to show up for mediation.

Daniel Curley, residential contractor, discussed concerns regarding citations and public's perception and impact on their business.

John Curley, residential contractor, discussed concerns regarding Sgt. Pat Tobin.

Redmond Lyons, RBA and contractor, discussed concerns regarding double parking tickets on a street where nobody drives on for 15 years.

Brian Magee discussed concerns that PG&E trucks do not get tickets as compared to $640 tickets issued to contractors for double parking.

John McConnor, residential builder, discussed concerns regarding vague enforcement of 194.3 code, selective enforcement, revenue driven, and denied due process.

Bob Planto discussed concerns regarding blocked sidewalks and stated there needs to be enforcement.

John Pollard, SF Garage Company, showed pictures of blocked public sidewalks by DPW and discussed concerns regarding SPOT officers threatening workers.

Shawn Cabrin, RBA, discussed concerns and expressed frustration regarding the SPOT program.

Commissioner Sparks thanked everyone for coming and asked the City Attorney which jurisdiction does this come under. Ms. Stump stated that she will have to do research on this issue.

Commissioner Sparks asked for a detailed report as to citations issued between 2003 and 2008, who were they issued to, who issued them, amount of money, selective enforcement private vs. public, interpretation of 194 and 194.3, due process issue, for the Commission to get a better understanding. Commissioner Sparks also asked the City Attorney to look into this particularly the due process and appeal process and what kind of recourse can be taken.

Assistant Chief Lynch stated that the Department have received

complaints from the RBA and have forwarded those to the OCC.

Commissioner Pan agreed with Commissioner Sparks and encouraged contractors to file complaints with the OCC and suggested that other issues like double parking be remedied with special traffic permits allowing for double parking in those legitimate purposes to avoid $700 citations.

Commissioner Mazzucco stated that the Commission needs more information and that this issue falls in the area of discretion.

Commissioner Sparks would like the detailed report from the Department by May 6th.

Chief Fong explained that the SPOT Program will be moved back to MTA/DPT and stated that MTA will be the lead agency.

Commissioner Sparks asked Chief Parra to have MTA present for the next meeting. Chief Parra stated that Mr. Bond Yee is in charge of the program at the SFMTA and will be in constant meeting with the Department.

Commissioner Onek stated that it is a good idea to have the SFMTA for the meeting in two weeks to insure a smooth transition.

PUBLIC COMMENT
None

Commissioner Sparks addressed the RBA and asked that if there is any intimidation or perception of intimidation or extra enforcement because of this process or because of contractors coming to the Commission meeting, to notify the Commission and Lt. Greely as soon as possible.

DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE DEPARTMENT'S RECOMMENDATION DENYING APPOINTMENT OF TROY EUGENE COLEMAN AS ASSISTANT PATROL SPECIAL OFFICER

Commissioner Sparks asked Commander Tong if the Patrol Special in charge of the beat been notified of the denial or this hearing so that they can represent themselves. Commander Tong stated that in January the individual was notified of the status of the background investigation and that she does not know if they were notified for tonight's meeting.

Commissioner Sparks asked that this item be continued to notify Mr. Coleman in writing as to the recommendation of the Department to the Commission to deny his appointment with reasons as to why and to insure that Mr. Coleman and Ms. Warner are notified that the Commission intends to hear the item.

PUBLIC COMMENT
None.

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**

- **Assignment of disciplinary charges filed in Case No. KMO C09-073 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 35-09, assigned to Commissioner Sparks)
- **Assignment of disciplinary charges filed in Case No. ALW C09-070 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 36-09,

assigned to Commissioner Mazzucco)

b. Scheduling of items identified for consideration at future Commissioner meetings

Lieutenant Reilly announced that on May 6th, the EIS presentation and the SPOT Program presentation will be on the agenda. On May 13th, the Corrales matter will be heard.

Commissioner Lee would like to calendar DGO on Domestic Violence. Commissioner Mazzucco asked for the MTA Budget.

Lieutenant Reilly announced a special meeting on Monday, May 11th.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Onek. Approved 6-0.

Thereafter, the meeting was adjourned at 8:25 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice-President

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Commissioner

YVONNE Y. LEE
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Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 29, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. Approval of the Minutes (ACTION ITEM)
   - For the meeting of March 25, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

04-28-09A11:04 RCVD

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
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        - Rules and procedures for Patrol Specials
        - Commission Office staffing

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4. Discussion regarding Work Order Funding of Traffic Company by the San Francisco Municipal Transportation Agency ("SFMTA") (DISCUSSION ONLY)

5. Briefing on Procedures required by Department General Order 6.09, "Domestic Violence" (DISCUSSION ONLY)

6. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of disciplinary charges filed in Case No. ALW C09-076 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

7. **Adjournment** (ACTION ITEM)

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REGULAR MEETING

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APRIL 29, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:43 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan
(Commissioner DeJesus arrived at 5:50 p.m.)

Lieutenant Reilly announced that item #5 regarding DGO 6.09, "Domestic Violence," will be continued to the call of the Chair.

APPROVAL OF THE MINUTES

- **For the meeting of March 25, 2009**

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 6-0.

PUBLIC COMMENT

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Rodney Williams, retired Inspector, addressed the Commission regarding concerns in the elimination of the rank of lieutenant for consideration for Chief of Police.

Travis Tapia, retired Lieutenant, addressed the Commission regarding search for the new Chief of Police.

Joe Williams, retired Lieutenant, addressed the Commission addressed the Commission regarding search for the new Chief of Police and that the new Chief have diversity, compassion for minorities, and exercise the responsibility as Chief that all rules are carried out by everyone.

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REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

Chief Fong talked about swine flu and the media and introduced Dr. Catherine Murphy and Commander Tong to talk about how the Department is preparing to insure safety of the officers and the public.

Deputy Chief Tabak, Airport, discussed what is being done at the Airport for officers' safety.

PUBLIC COMMENT
None

b. OCC DIRECTOR'S REPORT

- **Review of Recent Activities**

Director Hicks addressed three matters: complaints received from January 1st to date, opened 335 cases, closed 329 and a total of 398 pending cases, 147 from 2008 and 251 from 2009; mediation, 22 cases mediated from January 1st, 6 in April. Director Hicks went on to talk about OCC Outreach.

PUBLIC COMMENT
None

c. Commission Reports

- **Commission President's Report**
- **Commissioners' Reports**

Status Reports:

- **Chief of Police executive search**

- **Organizational and other contemporary studies**
- **Rules and procedure for Patrol Specials**
- **Commission Office staffing**

None

PUBLIC COMMENT
None

DISCUSSION REGARDING WORK ORDER FUNDING OF TRAFFIC COMPANY BY THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY ("SFMTA")

Assistant Chief Lynch addressed the Commission and introduced Director Ken Bukowski of the Fiscal Division and Deputy Chief Antonio Parra of the SFMTA to talk about the funding and the work order.

Commissioner Sparks asked the City Attorney for an opinion as to whether or not this is a policy decision that the Commission will have to vote on. Commissioner Sparks also asked for clarification as to who the Traffic Company will be reporting to.

Director Bukowski talked about the SFPD Traffic related work orders with MTA and discussed various functions of the Traffic Company.

Deputy Chief Antonio Parra, SFMTA, presented the operational functions of the proposal.

Commissioner Sparks asked why can't all the things that were said be done in the current structure that there is now and why it requires a change in structure. Assistant Chief Lynch stated that the main reason is business sense and that the work order will put dollars and cents into objectives, mission, goals, and accountability.

Commissioner Sparks asked that this item come before the Commission for approval prior to the time it is executed, with sufficient time to review it and understand it prior to being ask to vote on it. Chief Fong stated that the Department will work with the City Attorney to have this in front of the Commission for a vote.

PUBLIC COMMENT
None

BRIEFING ON PROCEDURES REQUIRED BY DEPARTMENT GENERAL ORDER 6.09, "DOMESTIC VIOLENCE"

Continued to the call of the Chair.

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**

- **Assignment of disciplinary charges filed in Case No. ALW C09-076 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 37-09, assigned to Commissioner Sparks)

b. **Scheduling of items identified for consideration at future Commission meetings**

Commissioner Onek stated that the First Quarter Report on Phase 1 Implementation of the PERF Recommendations will be on the agenda for May 20th.

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner Marshall. Approved 6-0.

Thereafter, the meeting was adjourned at 7:34 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

NOTICE OF SPECIAL MEETING & AGENDA

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 505
San Francisco, California

SF
P45
#1
5/4/09
special

MONDAY, MAY 4, 2009
10:00 a.m.

(CLOSED SESSION)

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session pursuant to San Francisco Administrative Code Section 67.10 (ACTION ITEM)

3. Closed Session

   Pursuant to Government Code section 54957(b) and San Francisco Administrative Code section 67.10(b):
   PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session pursuant to Government Code section 54957.1 and San Francisco Administrative Code section 67.12(b) (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session pursuant to Administrative Code section 67.112(a) (ACTION ITEM)

04-20-09P03:38 RCVD

6. Adjournment (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO

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MAY 4, 2009 **SPECIAL MEETING**

The Police Commission of the City and County of San Francisco met in Room 505, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 12:17 p.m., in a Special Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 7-0.

CLOSED SESSION (12:18 p.m. to 3:50 p.m.)
PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION

None

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Lee for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 7-0.

Thereafter, the meeting was adjourned at 3:55 p.m.

_____
Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 6, 2009
5:00 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

PLEASE NOTE EARLY START TIME

Roll Call; Pledge of Allegiance

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

(Closed Session)
Roll Call.

3. Closed Session (DISCUSSION ONLY)
   a. Pursuant to Government Code section 54956.9 and San Francisco Administrative Code Section 67.10(d):
   CONFERENCE WITH LEGAL COUNSEL : Pending Litigation
   Officers for Justice v. Civil Service Commission, U.S. District Court C09-1675

(Reconvene to Open Session)

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Approval of the Minutes (ACTION ITEM)
   - For the meeting of April 1, 2009

05-05-09A11:25 RCVD

6. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 6, 2009
5:00 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

8. Department's presentation regarding the Safe Path Of Travel ("SPOT") Program [continued from April 22, 2009 meeting] (DISCUSSION ONLY)

9. Discussion and possible action to adopt revised Department General Order 11.07, "Prohibiting Discrimination, Harassment and Retaliation"(ACTION ITEM)

10. Presentation of the Department's First Quarter 2009 Early Intervention System ("EIS") Report (DISCUSSION ONLY)

11. **Routine Administrative Business** (DISCUSSION ONLY)
    a. Commission Announcements
    b. Scheduling of items identified for consideration at future Commission meetings

12. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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Meeting agendas and other print materials will be made available in alternate formats (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

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The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

MAY 6, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:20 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Lee, Mazzucco, Onek, Pan
ABSENT: Commissioner DeJesus
(Commissioner Lee arrived at 5:36 p.m.)

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 5-0.

CLOSED SESSION (5:22 p.m. to 5:50 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL: Pending Litigation Officers for Justice v. Civil Service Commission, U.S. District Court C09-1675**

(Present: Commissioners Sparks, Marshall, Mazzucco, Onek, Pan, Chief Fong, City Attorney Stump, Lt. Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Mazzucco for non disclosure. Approved 6-0.

APPROVAL OF THE MINUTES
- **For the meeting of April 1, 2009**

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 6-0.

PUBLIC COMMENT
None

PUBLIC COMMENT

Peter Cherneff discussed concerns regarding police corruption.

Doug Millar hopes that next Chief of Police be a female and discussed concerns regarding crimes against children.

Art Tapia, retired Lieutenant, made suggestions as to the new Police Chief and talked about the Community Relations Unit.

Troy Dangerfield, retired Lieutenant, talked about the Community Relations Unit and asked for a new Chief of Police that will promote community relations.

Doris Ward, former President of the Board of Supervisors, asked that the new Chief of Police be someone who understands the different San Francisco Communities and who understands people of color and who can work with them.

Commissioner Mazzucco acknowledged retired Lieutenants Tapia and Dangerfield.

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Linda Richardson, Human Rights Commission, commended Chief Fong and her work with the communities.

Eileen Hernandez commended Chief Fong and commended the Commission for its diversity in representing the different communities of San Francisco.

Commissioner Sparks thanked all for coming and stated that she agrees with Commissioner Mazzucco's comments in that more retired officers should be involved to share their knowledge in community relations.

Art Tapia talked about the OFJ suit and the impact it made throughout the United States.

REPORTS TO THE COMMISSION

a. Chief's Report

- Update on significant policing efforts by Department members

Chief Fong introduced Deputy Chief Cashman to give a brief update about the Bus Inspection ("BIP") Program. Chief Cashman described the BIP Program. Chief Fong stated that the Department will schedule this for presentation before the Commission.

b. OCC Director's Report

- Review of Recent Activities

Director Hicks talked about cases opened from January 1st to date and stated 358 cases opened and 351 closed, 15 sustained cases, and 399 pending cases of which 135 from 2008 and 264 from 2009. Director Hicks also stated that from January 1st to date, the OCC has mediated 24 cases of which 8 in April. She went on to talk about OCC outreach and reported that Chief Investigator Charles Galman attended a BART public hearing.

Commissioner Marshall also stated that he attended the hearing along with Investigator Galman and Commissioner Sparks to talk about civilian oversight.

c. Commission Reports

- Commission President's Report

- Commissioners' Reports

Status Reports:

- **Chief of Police executive search**
- **Organizational and other contemporary studies**
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**

Commissioner Sparks stated that she will give a brief statement in regards to the Chief of Police executive search and stated that the process is going forward and stated that because of the critical nature of the confidentiality process, it is critical that the applicants remain confidential. Commissioner Sparks stated that there were comments made in the newspapers that factually incorrect. Commissioner Sparks stated that the Commission does not intend to release information until such time the Mayor makes his announcement of his final selection. Commissioner Sparks cautioned the members of the Commission to be very careful as to any information relative to the process and releasing information to friends and associates and once again asked the Commission to honor that confidentiality process.

Commissioner Sparks announced that on May 20th, the Phase 1 first quarter report will be agendize.

Commissioner Mazzucco reported on the Patrol Special study and

stated there will be a meeting set for Monday.

Commissioner Sparks talked about Commission office staffing and stated that she plans to go before the Board of Supervisors during the budget discussions to talk to them about reimplementing staffing for the Commission.

PUBLIC COMMENT
None

DEPARTMENT'S PRESENTATION REGARDING THE SAFE PATH OF TRAVEL ("SPOT") PROGRAM [CONTINUED FROM APRIL 22, 2009 MEETING]

Mr. Brian Yee, Director of Parking & Traffic SFMTA, and Brian Dusseault presented a brief history and overview of the SPOT Program.

Commissioner Sparks asked about the use of 10B officers and funding for the 10B officers and the use of on-duty officers. Mr. Dusseault stated that he believes that it is a mix of 10B officers and regular time officers. Commissioner Sparks asked if the citations paid for 10B officers or was it a self-funding program. Mr. Dusseault stated that the revenues were controlled by MTA and were used to fund training, documentation, and administration of the program.

Commissioner Sparks discussed concerns regarding a number of people that testified regarding abuses by SFPD personnel during the period of 2003 to 2008 and Commissioner Sparks asked whether or not the Commission can get a better understanding of what occurred during the period of time within the Department.

Commissioner Mazzucco asked if there were any discretion exercised before the issuance of the $699 ticket. Mr. Dusseault stated that discretion was exercised but when the violation keeps occurring, then the ticket was issued. Commissioner Mazzucco discussed concerns about perception and asked how much money was made from the tickets and how much money was paid to the Police Department during the year of 2007 where there were 1,755 tickets issued. Mr. Dusseault stated he does not have that information. Commissioner Mazzucco stated he would like to see the numbers for 2007.

Commissioner Onek discussed concerns regarding what happened in the past years and the issue of the hearing officer on a speaker phone and contractors were singled out and utilities and public agencies were not. Commissioner Onek asked, after looking at the comparison of citation issued to contractors, public agencies, and utilities, about selective enforcement against contractors. Mr. Dusseault explained that there are more contractors out there. Commissioner Onek stated he would like to focus on going forward and doing things right going forward and hopes that when the 2009 and 2010 numbers come up that it will not have huge disparities. Mr. Dusseault explained that larger corporations and larger agencies are able to develop compliance programs and that improves compliance.

Commissioner Pan asked if the different kinds of violations are tracked. Mr. Dusseault stated that he will take a look at the information but he is not aware that they are tracked in a database by the type of violations. He stated that they are tracked in the police reports that are prepared when a violation is documented. Commissioner Pan also asked about using uniformed officers to control traffic.

Sean, RBA, expressed frustration stating that he never got answers from questions he asked two years ago. He also expressed concerns regarding double parking tickets versus 194.3 citations.

Commissioner Mazzucco asked if any of the contractors received the report after the citation was issued and asked if the police reports were provided to the contractors prior to the hearing on an appeal. Sean stated that reports were not provided to the contractors for the appeal and at the appeal. Commissioner Mazzucco asked if the citations were misdemeanor citations and not traffic citations. Mr. Dusseault stated that they are misdemeanor citations. Commissioner Mazzucco stated that if they are misdemeanors, then they are entitled to a jury trial and the contractors are entitled to discovery and counsel if they cannot afford one.

Commissioner Sparks stated that there should also be a police report written.

Mr. Dusseault stated that they are entitled to an appeal. Commissioner Mazzucco stated that the Commission needs to know if it is a misdemeanor or an infraction.

Sean, RBA, stated that they had a productive meeting with the MTA Spot Program and that they are willing to work with MTA to make this program work.

Commissioner Sparks stated that she is aware of a specific allegation of enforcement by an individual and that she has made the Chief aware of it and that it will be investigated and that if there is misconduct, it will be addressed. Commissioner Sparks asked what more would the RBA would like to see as far as participation from the Commission.

Sean, RBA, stated that he would like to wait a couple of weeks to see what the new process with MTA is going to be and then come back and report back to the Commission as to how things are going.

John O'Connor stated that what he would like is to have some of the money refunded back for the illegal citations. He stated that they've tried since 2007 to come to a conclusion as to the citations but never heard from the SPOT Program and asked that before moving forward, you have to look back as to past events. Commissioner Sparks asked for specific questions be filed with the Commission and the Department will do its best to get information.

Commissioner Pan made a couple of recommendations since this program is moving to the MTA: (1) to try and make sure that this program is not self funded, to determine what the appropriate level of funding is, and to fund it through the general funds so that there are no perceptions of a conflict; (2) to use senior street inspectors because they are more qualified; (3) to try and classify the types of violation because there are so much ambiguity in terms of double parking issues versus others; and (4) due process and a know-your-rights card.

Commissioner Sparks asked the RBA to make the contractors aware of these discussions and what's going on so that they have a knowledge as to discussions with the MTA and the Department.

Commissioner Mazzucco stated that the Commission needs to know if the violation is an infraction or a misdemeanor and if it is a misdemeanor, can it be turned over to the MTA and can MTA personnel issue a misdemeanor citation.

Mr. Yee, MTA, stated that, as part of the transitional process, they are having their city attorney to redraft the legislation to de-criminalize the offense so that it can be treated like a parking ticket.

Commissioner Mazzucco also asked for the statistics for the year 2007

as to how much money was collected through the hearings and how much was reimbursed back to the Police Department.

PUBLIC COMMENT
None

(The Commission took a break from 8:03 p.m. to 8:20 p.m.)

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 11.07, "PROHIBITING DISCRIMINATION, HARASSMENT AND RETALIATION"

Lieutenant Anna Brown, Professional Standards Unit, presented DGO 11,07, "Prohibiting Discrimination, Harassment and Retaliation."

PUBLIC COMMENT
None

Motion by Commissioner Lee, second by Commissioner Marshall to adopt DGO 11.07. Approved 6-0.

RESOLUTION 38-09

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 11.07, "PROHIBITING DISCRIMINATION, HARASSMENT AND RETALIATION"

RESOLVED, that the Police Commission hereby approves adoption of revised Department General Order 11.07, "Hazardous Material Incidents." (Draft dated 03/12/09)

AYES: Commissioners Sparks, Marshall, Lee, Mazzucco, Onek, Pan
ABSENT: Commissioner DeJesus

PRESENTATION OF THE DEPARTMENT'S FIRST QUARTER 2009 EARLY INTERVENTION SYSTEM ("EIS") REPORT

Lieutenant Anna Brown, Professional Standards Unit, presented the 1st Quarter 2009 EIS Report.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**
Commissioner Sparks announced that Lt. Reilly will be contacting the individual commissioners for their availability for Closed Session meetings for the end of May. Commissioner Sparks also announced that the Commission will be voting for new Commission officers on May 20th and on May 13th the hearing of Captain Greg Corrales will start at 4 p.m.

b. **Scheduling of items identified for consideration at future Commission meetings**

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

Thereafter, the meeting was adjourned at 9:18 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 13, 2009
4:00 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

PLEASE NOTE EARLY START TIME

1. Approval of the Minutes (ACTION ITEM)
   - For the meetings of April 15th and 22, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

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4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission meetings

5. Hearing on disciplinary charges filed against Captain Gregory Corrales, File No. C04-123 JWF, filed on July 23, 2004 (DISCUSSION AND POSSIBLE ACTION)

The Commission may decide to consider Item No. 5, in whole or in part, in closed session pursuant to Government Code section 54957(b)(1), S.F. Administrative Code Section 67.10(b), and Penal Code section 832.7. In which case:

   a. Public Comment on all matters pertaining to the Closed Session.
   b. Vote on whether to hold Closed Session (San Francisco Administrative Code Section 67.10)(ACTION ITEM)
   c. Reconvene to Open Session: (if Closed Session is held)
      i. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b).
      ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a).

6. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

MAY 13, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 4:28 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Pan
ABSENT: Commissioner Onek

APPROVAL OF THE MINUTES

- **For the meetings of April 15th and 22, 2009**

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 6-0.

PUBLIC COMMENT

Francisco DeCosta discussed concerns regarding abuse of residents living at Treasure Island.

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REPORTS TO THE COMMISSION

a. **Chief's Report**
- **Update on significant policing efforts by Department members**
  No report.

b. **OCC Director's Report**
- **Review of Recent Activities**
  No report.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**
  Status Reports:
  - **Chief of Police executive search**
  - **Organizational and other contemporary studies**
  - **Rules and procedures for Patrol Specials**
  - **Commission Office staffing**

Commissioner Mazzucco reported that they are having a hard time getting the report done due to lack of cooperation from the Patrol Specials and stated that from this point forward, the Patrol Specials Officers shall follow the interim rules and procedures adopted by the Commission on December 10, 2008. Commissioner Mazzucco stated that starting with the uniforms, the Patrol Special Officers shall start wearing the light blue epaulettes on the sleeves and pants with light blue stripes. Each Patrol Special Officers must immediately report for duty as required to the watch commander for each district station where he/she is assigned. At that point in time, each watch commander will do uniform inspections and to check if each Patrol Special Officer is in compliance and that they do not have hot sheets or wanted bulletins in their patrol vehicles and that those are private vehicles and not patrol vehicles. The watch commander will also do a vehicle inspection to make sure that those cars do not have red lights or sirens. These checks will be done immediately. Part of the study will also look into how they are servicing their clients, who's on their beats, who are the patrol specials and the assistant patrol specials. Commissioner Mazzucco stated that the Commission is not getting compliance from the Patrol Specials in regards to their clients list. Commissioner Mazzucco stated that the Commission hereby order the Patrol Specials to provide their clients list immediately to the San Francisco Police Commission so that the Commission knows who they are charging and what they are charging for their services and that is to be done immediately. Commissioner Mazzucco stated that if the Patrol Specials are in violation of these orders, the Commission will move with disciplinary proceedings and remove their licenses and their ability to patrol their beats.

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Commissioner Sparks reiterated what Commissioner Mazzucco had stated. Commissioner Sparks stated that the Commission will require Patrol Specials to check in with the lieutenant of the watch at the time they come in to their beat and submit themselves to uniform and vehicle inspection. If they are not in proper uniform, they will be told to go home until they can come back in proper uniform and that they will not be allowed to work their beat during that period of time unless in proper uniform. Commissioner Sparks also stated that a bulletin will be issued to each district stations outlining what each district stations should be doing. A letter will also be issued to patrol specials who have not complied with their clients list giving them 72 hours to comply. If they do not comply within 72 hours, there will be immediate disciplinary proceedings including proceedings to revoke their beat. The Commission is moving forward on this aggressively and quickly so that all patrol specials understand that they are within the jurisdiction of this Commission and that the Commission is serious about enforcing these interim regulations.

Commissioner Mazzucco stated that each district stations should know that patrol specials are not allowed to access Clets or access any confidential information within the station because they are not peace officers, they are not sworn police officers. They are independent contractors and not sanctioned by the San Francisco Police Department.

Commissioner Sparks reported on the executive search for Chief of Police and stated that the media has contacted her about who the potential candidates are. Commissioner Sparks stated that she has not commented on anything but the media is guessing on who some of the candidates are and publishing those names. She informed the media that the Commission will not be releasing any names or numbers of individuals and that this is a very destructive policy if they do publish names. Commissioner Sparks stated that these names are being given to the media intentionally and maliciously to try to get people to withdraw from the process and the Commission does not condone it and hopes that it will stop.

Commissioner Sparks also commented on an article from the POA Journal.

PUBLIC COMMENT

Steve Johnson stated that the POA did make the recommendations to the Commission about visiting district stations. Mr. Johnson also commented on the executive search for Chief of Police and stated that the POA have met with the different labor organizations and stated that the organizations are concern about the external candidates and requested that the police employee groups be part in the vetting of those applicants because it is the members of these organizations that will have to live with the Commission's recommendation and the pick of the Mayor.

Lea Militello, President Pride Alliance, discussed concerns regarding hiring of an outside candidate.

Commissioner Sparks explained that the Commission is trying to do an impartial search, set up criteria based on input from 51 public meetings held with both the public and members of the Department. The Commission then looked through all candidates and rated them against those criteria and the candidates that moved up the process were the ones that met those criteria. The Commission is trying to move forward to get the absolute best candidates to the Mayor for selection as the next Chief of Police. Commissioner Sparks explained that if the Commission identifies the candidates, especially the external candidates, it puts their jobs at risk and it also puts them at risk as candidates for SFPD.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Scheduling of items identified for consideration at future Commission meetings

Commissioner Sparks announced that the Commission have noticed 10 special meetings between now and the end of the month.

HEARING ON DISCIPLINARY CHARGES FILED AGAINST CAPTAIN GREGORY CORRALES, FILE NO. C04-123 JWF, FILED ON JULY 23, 2004

(The hearing of Captain Corrales was taken in shorthand form by Ms. Anna Greenley, CSR.)

Ms. Cecily Gray, Attorney at Law, appeared on behalf of the Office of Citizen Complaints.

Mr. Bill Fazio, Attorney at Law, appeared on behalf of Captain Gregory Corrales.

Mr. Fazio affirmed that Captain Corrales has requested an open hearing.

Opening statements by Ms. Gray and Mr. Fazio.

(The Commission took a break from 5:11 p.m. to 5:23 p.m.)

The following witnesses were called by the OCC, were sworn and testified:

Retired Captain Dan Lawson
Retired Lieutenant Joe Dutto

The following witnesses were called by the officer, were sworn and testified:

Retired Inspector Joe Pieralde
Former Chief of Police Prentice E. Sanders

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Pan. Approved 6-0.

CLOSED SESSION (10:44 p.m. to 11:05 p.m.)

VOTE WHETHER TO DISCLOSE ANY OR ALL OF THE DISCUSSIONS HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner DeJesus for non disclosure. Approved 6-0

OPEN SESSION

The following witnesses were called by the officer, were sworn and testified:

Retired Commander Robert Puts
Former Chief of Police Anthony Ribera

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 6-0.

Thereafter, the meeting was adjourned at 11:45 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

SPECIAL MEETING
850 Bryant Street, Room 505
San Francisco, CA

SF
P45
#1
5/15/09
cancelled

The Commission will not meet on FRIDAY, MAY 15, 2009

05-13-09A11:46 RCVD

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 20, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

Roll Call; Pledge of Allegiance

1. **Approval of the Minutes** (ACTION ITEM)
   - For the meeting of April 29, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. Annual Election of Police Commission Officers (ACTION ITEM)

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

05-19-09A10:51 RCVD

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5. Discussion and possible action to approve the request of the Chief of Police to apply for, accept, and expend funds from the California Department of Fish and Game to implement the Oil Spill response Equipment Grant Agreement (ACTION ITEM)

6. Presentation of the 1st Quarter 2009 Report on the Phase One Implementation of the Police Executive Research Forum ("PERF") Recommendations (ACTION ITEM)

7. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case No. JWA C09-017 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 20, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. a. Commission Announcements continued:
   - Assignment of Disciplinary Charges filed in Case No. IVF C09-087 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   - Assignment of Disciplinary Charges filed in Case No. IVF C09-088 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

   b. Scheduling of items identified for consideration at future Commission meetings

8. Public Comment on all matters pertaining to Closed Session.

9. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

10. Closed Session

    a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
    PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case Nos. C06-030 SL, C06-031 SL, C06-032 SL, C06-033 SL, C06-034 SL, and C06-035 SL (ACTION ITEM)

    b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
    PERSONNEL EXCEPTION: Discussion and possible action to approve or disapprove the Stipulated Disposition of disciplinary charges filed in Case Nos. C06-184 JCT and C06-185 JCT (ACTION ITEM)

    c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (DISCUSSION ONLY)
    PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matter(s)

    d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (DISCUSSION ONLY)
    PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police

(OPEN SESSION)
Roll Call.

11. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

12. **Adjournment** (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.**

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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Accessible parking _____

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MAY 20, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan

(Commissioner Marshall arrived at 5:46 p.m. Commissioner DeJesus arrived at 6:10 p.m.)

APPROVAL OF THE MINUTES

- **For the meeting of April 29, 2009**

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 5-0.

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PUBLIC COMMENT

Lauraine Woodrow Fong, SFPAL Executive Director, thanked the Commission for the Ingleside PERF pilot and talked about the Police Activities League ("PAL") Program.

Steve Currier, Outer Mission Neighborhood Association, talked about the passing of Frank Busalacchi who has three sons in the Department.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

Chief Fong thanked the Department for a great work done at the Bay to Breakers. Chief Fong also announced that the Department is busy preparing for Carnival. Chief Fong also stated that part 1 crimes are down 12 percent and that homicide year to date is minus 59 percent. Chief Fong stated that a report will be presented to the Commission in regards to crime trends in the next couple of weeks.

b. OCC Director's Report

- **Review of Recent Activities**

Ms. Inez Vargas Fraenkel, for Director Hicks, talked about cases open in May were 29 and closed 52. Total opened cases year to date is 384 and closed 380. In May the OCC completed 6 mediations with two more by the 31st of May. Total mediation year to date is 30. Ms. Fraenkel then talked about outreach.

c. Commission Reports

- **Commission President's Report**
- **Commissioners' Reports**

  Status Reports:

  - **Chief of Police executive search**
  - **Organizational and other contemporary studies**
  - **Rules and procedures for Patrol Specials**
  - **Commission Office Staffing**

Commissioner Sparks talked about an article in the newspaper in regards to using PERF as a consultant to help with the executive search for Chief of Police. Commissioner Sparks explained that one of the reasons the Commission chose PERF as a subcontractor is because PERF has just finished the study and analysis and made many recommendations based on nearly two years of organizational study of the Department.

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Commissioner Marshall talked about meeting with BART and their efforts to develop an oversight body for BART. Commissioner Marshall also announced that Chief Fong will be receiving an honorary Doctorate from the University of San Francisco on Friday, May 22nd, and that he is honored to be able to present that to her.

Commissioner Onek talked about training in regards to Fair and Impartial Policing led by Dr. Lorie Fridell and that it is great to see so many SFPD members involved as well as the OCC.

Commissioner Sparks talked about meeting with the Board of Supervisors in regards to staffing for the Commission Office and a second Charter Amendment in regards to ongoing staffing and possibly extending the Chief's authority beyond 10 days.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT, AND EXPEND FUNDS FORM THE CALIFORNIA DEPARTMENT OF FISH AND GAME TO IMPLEMENT THE OIL SPILL RESPONSE EQUIPMENT GRANT AGREEMENT

Sergeant Danny Lopez, Marine Unit, presented the grant.

PUBLIC COMMENT
None

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 7-0.

RESOLUTION NO. 39-09

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO ACCEPT AND EXPEND FUNDS FROM THE CALIFORNIA DEPARTMENT OF FISH AND GAME TO IMPLEMENT THE OIL SPILL RESPONSE EQUIPMENT GRANT AGREEMENT

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to accept and expend funds from the California Department of Fish and Game to implement the "Oil Spill Response Equipment Grant Agreement" and any augmentations, extensions and modifications.

AYES: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucoo, Onek, Pan

ANNUAL ELECTION OF POLICE COMMISSION OFFICERS
(Taken out of order)

Commissioner Sparks announced that she will not be a candidate for president of the Commission for this coming year but would like to continue in the position for a period of time until the completion of the search for Chief of Police. Commissioner Sparks asked that this item be continued for 30 days.

Motion by Commissioner Sparks to continue this item in four weeks, second by Commissioner DeJesus. Approved 7-0.

PUBLIC COMMENT
None

PRESENTATION OF THE 1ST QUARTER 2009 REPORT ON THE PHASE ONE IMPLEMENTATION OF THE POLICE EXECUTIVE RESEARCH FORUM ("PERF") RECOMMENDATIONS

Assistant Chief Lynch presented the 1st Quarter 2009 Report on the Phase 1 implementation of PERF's recommendations.

Captain Lazar, Ingleside Station, introduced some of his staff at Ingleside. Present were Lt. Frank Lee, Lt. Lou Cassanego, Lt. Mike Moran, Lt. Jason Cherniss, and Sgt. Lisa Springer. Captain Lazar then went on to do the presentation on the Phase 1 Implementation.

Commissioner Onek commended Captain Lazar and his staff for his very thorough report. Commissioner Onek asked how will the Captain and his team pace themselves for sustainability. Captain Lazar stated that they were able to tackle the easy stuff that can be done immediately and that there will be things that will take time to implement.

Commissioner Pan thanked the Captain and his team for getting the Phase 1 implementation to a strong start and asked about bilingual officers working the different beats. Captain Lazar stated that there are bilingual officers working the different beats. Commissioner Pan talked about cell phones for officers to be able to access language lines for the non English speaking communities.

Commissioner DeJesus asked about different tactics to get volunteers from the community. Captain Lazar stated that he will work with the Controller's Office and PERF to look at all the stakeholders and also he has been making announcements at all the community meetings. Commissioner DeJesus also asked about training. Captain Lazar stated that one of the lieutenants will be in charge of the training and it will be done.

Commissioner Lee commended Captain Lazar and his staff for his report and a job well done. Commissioner Lee also recommended Asian press to get the newsletter out to the communities and having the community take part in the training program.

Commissioner Marshall commended Captain Lazar and his staff for a job well done.

Commissioner Mazzucco commended Captain Lazar for engaging the community, engaging the officers and for a promising presentation. Captain Lazar commended the officers of Ingleside and thanked Ms. Corina Monzon and Ms. Catherine Maguire of the Controller's Office for their help and hard work.

PUBLIC COMMENT

Buck Baggot thanked the Commission and the Chief for having Ingleside as the PERF station.

Steve Currier talked about the incident at the Sons of Italy location and commended Captain Lazar and his staff for their incredible work with the Phase 1 implementation.

Mary Harris thanked Captain Lazar and commended him for his enthusiasm and asked for financial support to help with technology, cell phones, and translations and talked about National Night Out.

Commissioner Sparks thanked Ms. Harris and Mr. Currier for attending countless meetings and for their involvement with the community.

Lieutenant Mike Biel, OIC Strategic Management Division, described

how recommendations were implemented and described the new electronic tracking program for these recommendations.

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**

- **Assignment of Disciplinary Charges filed in Case No. JWA C09-017 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Theresa Sparks, Resolution No. 40-09)
- **Assignment of Disciplinary Charges filed in Case No.IVF C09-087 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Vincent Pan, Resolution No.41-09)
- **Assignment of Disciplinary Charges filed in Case No.IVF C09-088 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Vincent Pan 42-09)

b. **Scheduling of items identified for consideration at future Commission meetings**

None

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 7-0.

CLOSED SESSION (8:46 p.m. to 10:10 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case Nos. C06-030 SL, C06-031 SL, C06-032 SL, C06-033 SL, C06-034 SL, and C06-035 SL** (Resolutions 43-09 to 47-09)

(PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan, Lt. Reilly, City Attorney Blits, OCC Attorney I. Frankel, Mr. S. Johnson, POA)

b. **PERSONNEL EXCEPTION: Discussion and possible action to approve or disapprove the Stipulated Disposition of disciplinary charges filed in Case Nos. C06-184 JCT and C06-185 JCT**

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matter(s)**

d. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police**

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Lee for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Pan. Approved 7-0.

Thereafter, the meeting was adjourned.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION

NOTICE OF SPECIAL MEETING & AGENDA

CITY HALL, ROOM 18
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THURSDAY, MAY 21, 2009
and
FRIDAY, MAY 22, 2009
5:00 p.m.

(CLOSED SESSION)

SF
P45
#1
5/21, 22/09
Special

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session pursuant to San Francisco Administrative Code Section 67.10 (ACTION ITEM)

3. Closed Session

   Pursuant to Government Code section 54957(b) and San Francisco Administrative Code section 67.10(b): PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session pursuant to Government Code section 54957.1 and San Francisco Administrative Code section 67.12(b) (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session pursuant to Administrative Code section 67.112(a) (ACTION ITEM)

6. Adjournment (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

05-15-09A08:13 RCVD

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SAN FRANCISCO POLICE COMMISSION AGENDA

NOTICE OF MEETING CANCELLATION

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cancelled

CITY HALL, ROOM 18
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

The Commission Meetings set for Thursday, May 21st, and Friday, May 22, 2009 are CANCELLED.

The next Police Commission Regular Meeting will be on Wednesday, May 27, 2009.

05-20-09A11:10 RCVD

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SAN FRANCISCO POLICE COMMISSION AGENDA

NOTICE OF SPECIAL MEETING & AGENDA

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 505
San Francisco, California

SATURDAY, MAY 23, 2009
9:00 a.m.

(CLOSED SESSION)

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Special

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session pursuant to San Francisco Administrative Code Section 67.10 (ACTION ITEM)

3. Closed Session

   Pursuant to Government Code section 54957(b) and San Francisco Administrative Code section 67.10(b):
   PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session pursuant to Government Code section 54957.1 and San Francisco Administrative Code section 67.12(b) (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session pursuant to Administrative Code section 67.112(a) (ACTION ITEM)

6. Adjournment (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

MAY 23, 2009 **SPECIAL MEETING**

The Police Commission of the City and County of San Francisco met in Room 505, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 9:03 a.m., in a Special Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Lee. Approved 7-0.

CLOSED SESSION (9:04 a.m. to 5:00 p.m.)
PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

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POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION

None

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Lee, second by Commissioner DeJesus for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner DeJesus. Approved 7-0.

Thereafter, the meeting was adjourned at 5:01 p.m.

_____
Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 27, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

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3. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   - Assignment of Disciplinary Charges filed in Case No. ALW C09-062 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

4. Hearing on disciplinary charges filed against Captain Gregory Corrales, File No. C04-123 JWF, filed on July 23, 2004 (DISCUSSION AND POSSIBLE ACTION)
The following time limits will apply:
OCC's closing argument: Up to 15 minutes
Charged officer's closing argument: Up to 15 minutes
OCC's rebuttal: Up to 5 minutes

The Commission may decide to consider Item No. 4, in whole or in part, in closed session pursuant to Government Code section 54957(b)(1), S.F. Administrative Code Section 67.10(b), and Penal Code section 832.7.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 27, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5 Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

7. Closed Session

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (DISCUSSION ONLY)
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 09-002)

(OPEN SESSION)
Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

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Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A sound enhancement system will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

eeting agendas and other print materials will be made available in alternate formats omputer disk, cassette tape, large print or Braille) upon advance request at least 72 urs at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 3 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

lividuals with severe allergies, environmental illness, multiple chemical nsitivity or related disabilities should call 553 1343 to discuss meeting accessibility. order to assist the City's efforts to accommodate such people, attendees at public etings are reminded that other attendees may be sensitive to various chemical sed products.

e proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

essible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
information about MUNI service call 923 6142

closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

MAY 27, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 6:02 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan

PUBLIC COMMENT

Ace Washington came by to say hello.

Sharon Hewitt discussed concerns about homicides and violence and asked the Commission to join in the campaign for life.

Alan White talked about the son of Paulette Brown who was murdered two years ago and posters to be put up on Muni buses and discussed concerns about Muni's refusal to put the posters up and commended Insp. Kevin Jones of the Homicide Unit and the POA for their help.

Laurel, recent USF graduate, discussed concerns regarding 18 murders in San Francisco and how they go unsolved.

Diana Greer, 66 Dakota Street, discussed concerns regarding hate crimes against her at Potrero Hill and failure of officers to write a report, interview witnesses, and failure to take suspects in custody.

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REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members

Assistant Chief Lynch, for Chief Fong, reported on a series of planned and unplanned events around the city in regards to ruling about Prop. 8.

b. OCC Director's Report
- Review of Recent Activities

Director Hicks reported that the OCC has opened 413 cases to date, closed 401, sustained 16 cases and 404 pending, 119 from 2008, 285 from 2009. As for mediation, the OCC has mediated 9 cases in May making a total of 33 cases mediated to date.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
Status Reports:
- **Chief of Police executive search**
- **Organizational and other contemporary studies**
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**

Commissioner Sparks that the executive search for Chief of Police is still ongoing.

Commissioner Mazzucco reported that the Patrol Special study is ongoing. Commander Tong stated that a department bulletin is in the Planning Division and should be out in a day or so and stated that Lt. Lum has prepared a memorandum to the district captains, lieutenants, and platoon commanders with a copy of the sign-in log and interim rules, and the clients letters will be going out.

PUBLIC COMMENT
None

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ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of Disciplinary Charges filed in Case No. ALW C09-062 to an individual Commissioner for the taking of evidence to be determined by the Commissioner** (Assigned to Commissioner Petra DeJesus, Resolution No. 49-09)

Commissioner Sparks announced that there are noticed meetings on May 28th, 29th, and 30, 2009.

b. Scheduling of items identified for consideration at future Commission meetings

Commissioner DeJesus would like the DGO in regards to mandatory seizure of automobiles.

HEARING ON DISCIPLINARY CHARGES FILED AGAINST CAPTAIN GREGORY CORRALES, FILE NO. C04-123 JWF, FILED ON JULY 23, 2004

(The hearing of Captain Gregory Corrales is taken in shorthand form by Ms. Anna Greenley, CSR.)

Ms. Cecily Gray, Attorney at Law, appeared on behalf of the Office of Citizen Complaints.

Mr. Bill Fazio, Attorney at Law, appeared on behalf of Captain Gregory Corrales.

Closing arguments were made by Ms. Gray and Mr. Fazio.

Rebuttal by Ms. Gray.

Motion by Commissioner Marshall, second by Commissioner Onek to go into Closed Session for deliberations.

Objection by Commissioner DeJesus to go into Closed Session for deliberations.

PUBLIC COMMENT
None

VOTE ON WHETHER TO GO INTO CLOSED SESSION FOR DELIBERATIONS

AYES: Commissioners Sparks, Marshall, Lee, Mazzucco, Onek, Pan
NAYS: Commissioner DeJesus

CLOSED SESSION (7:24 p.m. to 8:13 p.m.)
Hearing on Disciplinary Charges filed against Captain Gregory Corrales, Filed No. C04-123 JWF
(Present: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan, Lt. Reilly, City Attorney Blits)

reconvened to Open Session:

Commissioner Sparks announced that the Commission deliberated and came to a decision that was not unanimous and announced that in an 8 to 1 decision, the Commission voted to not sustain the charges of conduct reflecting discredit, making improper comments during a pending investigation. Commissioner Sparks stated that the Commission also voted not to sustain the

charges predicated on two factors: (1) The charges were made without separating 8.09 and 2.01 as separate charges and so the decision was made in that the allegations made in 8.09 and 2.01 the burden of proof was not met and that the OCC did not prove the facts made in the allegations.

Motion by Commissioner Mazzucco, second by Commissioner Onek to not sustain the charges in the matter of Captain Gregory Corrales, File No. C04-123 JWF. Approved 6-1

AYES: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek
NAYS: Commissioner Pan

MOTION TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Onek for non disclosure. Approved 7-0.

Comments made by Commissioners Sparks, DeJesus, Mazzucco, Marshall, Pan, Lee, and Onek.

PUBLIC COMMENT

Captain Corrales spoke in regards to Lt. Dutto and thanked the Commission for listening and ruling on the charges. Captain Corrales stated that he did not violate the two general orders. Captain Corrales also stated that he does not think that it was appropriate to be scolded for 20 minutes for statements that he made that did not violate any general orders.

HEARING OF CAPTAIN GREGORY CORRALES, STAR NO. 1207 (FILE NO. JWF C04-123)

The hearing of Captain Gregory Corrales, Star No. 1207, was called it having been set for this date. Captain Corrales was charged, in a properly verified complaint by Kevin Allen, former Director of the Office of Citizen Complaints, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1:
Conduct Reflecting Discredit (making improper comments during a pending investigation in violation of Department General Orders 2.01 and 8.09).

Ms. Cecily Gray, Attorney at Law, appeared on behalf of the Office of Citizen Complaints.

Captain Gregory Corrales appeared in person and was represented by Mr. Bill Fazio, Attorney at Law.

Closing statements were made by Ms. Gray and Mr. Fazio.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 50-09

DECISION - HEARING OF CAPTAIN GREGORY CORRALES, STAR NO. 1207

WHEREAS, on July 22, 2004, Kevin Allen, former Director of the Office of Citizen Complains, made and served charges against Captain Gregory Corrales, Star No. 1207, as follows:

SPECIFICATION NO. 1:
Conduct Reflecting Discredit (making improper comments during a pending investigation in violation of Department General Orders 2.01 and 8.09).

(1) At all times herein mentioned, Gregory Corrales, Star Number 1207, (hereinafter referred to as "the Accused Officer") was and is a police officer, holding the rank of captain, employed by the San Francisco Police Department.

(2) As a police officer, the Accused Officer was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) On or around November 20, 2002, the Accused was the Captain of Mission Station.

(4) On or around 4 a.m. on November 20, 2002 the Accused Officer arrived at Northern Police Station after being alerted that two of his officers, who were off-duty, were being held there after being accused of criminal misconduct by two civilians.

(5) The Accused Officer spoke to the off-duty officers at Northern Station. The Accused Officer also stated that he spoke to the lieutenant in charge of Northern Station, and ensured that the Management Control Division and Night Investigations Unit were notified, and were responding to the incident in order to launch administrative and criminal investigations.

(6) Under Department General Orders, the Accused Officer had the duty, as the commanding officer of the off-duty officers accused of misconduct, to conduct an investigation into possible misconduct by his subordinate officers.

(7) Subsequent to November 20, 2002, the Accused Officer made statements to members of the media regarding the incident of November 20, 2002. Those statements were made while the Department had an active criminal investigation or prosecution of the off-duty officers' conduct, and were critical of the victims and the Department's investigation.

(8) On November 28, 2002, the San Francisco Chronicle quoted the Accused Officer as saying the story told by the victims of the off-duty officers' alleged misconduct was "ludicrous." In that article, the Accused Officer was quoted as saying the investigation into the off-duty officers' misconduct was motivated by political ambition and an effort to discredit the department's leadership.

(9) On December 6, 2002, the San Francisco Chronicle attributed statements to the Accused Officer that were critical of the Department's criminal investigation into the off-duty officers' conduct, saying that the three off-duty officers were "getting screwed over." In addition, the article stated that Department officials were blocking attempts to interview the Accused Officer, and the Accused Officer said any attempt to interview him was "utter nonsense."

(10) On February 12, 2003, the San Francisco Chronicle quoted the Accused Officer as asserting the innocense of the off-duty officers.

(11) The Accused Officer acknowledged making the statements attributed to him. He stated that he had a First Amendment right to make such statements, and that his intent was to defend the officers under his

command.

(12) The Accused Officer's statements to the media interfered with police operations by making prejudicial statements about the victims, and compromised the Department's ability to conduct a full and fair investigation by criticizing that investigation and refusing to cooperate with it. The Accused Officer's statements to the media, including but not limited to those enumerated infra., violated Department General Orders.

(13) Department General Orders 2.01 GENERAL RULES OF CONDUCT, Rule 48 and 49 state:

48. COMPROMISING INVESTIGATIONS. Except as required by law or by Department policy and procedure, members shall not divulge any information or engage in any conduct that may compromise an investigation or prosecution of a criminal offense (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).

49. DIVULGING CONFIDENTIAL INFORMATION. Except as required by law, members shall not divulge any information that is made confidential by law or by Department policies and procedures (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).

(14) Department General Order 8.09 Media Relations, states, in pertinent part:

I. POLICY
A. COOPERATION/INTERVIEWS. It is the policy of the San Francisco Police Department to cooperate with members of the media in their news-gathering activities as long as investigations are not jeopardized, police operations are not interfered with, or officer safety is not endangered. Each member of this Department has the authority to speak with the news media to his/her level of personal knowledge and is encouraged to do so.
. . .
B. INFORMATION WHICH MAY BE WITHHELD. The law permits the Department to withhold certain information under the circumstances described in Department General Order 3.16, Release of Police Reports, Section II.A. In addition, members shall not:
1. Make prejudicial statements about the suspect or arrestee.

(15) Department General Order 2.01 Rule 10 states:

WRITTEN ORDERS. Members shall obey al written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors.

(16) The Accused Office engaged in behavior that reflected discredit upon the Department, in violation of Department General Order 2.01 Rule 9.

(17) Department General Order 2.01 Rule 9 states:

MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the state that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the

City and County of San Francisco on January 28, 2009, March 4, 2009, May 13, 2009, and on May 27, 2009, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission took the matter under submission, recessed and returned, finding Charge No. 1 is not sustained; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission finds that said charges made and filed against Captain Gregory Corrales, as contained in Charge No. 1, violation of Department General Orders 2.01 and 8.09, are not sustained by the evidence presented at the hearing.

If this decision is subject to review under Code of Civil Procedure §1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, §1094.6.

AYES:	Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek
NAYS:	Commissioner Pan

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 7-0.

CLOSED SESSION (8:42 p.m. to 9:00 p.m.)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 09-002)

(Present: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan, Lt. Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Marshall for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 7-0.

Thereafter, the meeting was adjourned at 9:00 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

NOTICE OF SPECIAL MEETING & AGENDA

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 505
San Francisco, California

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THURSDAY, MAY 28, 2009
5:00 p.m.

(CLOSED SESSION)

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Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session pursuant to San Francisco Administrative Code Section 67.10 (ACTION ITEM)

3. Closed Session

   Pursuant to Government Code section 54957(b) and San Francisco Administrative Code section 67.10(b):
   PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session pursuant to Government Code section 54957.1 and San Francisco Administrative Code section 67.12(b) (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session pursuant to Administrative Code section 67.112(a) (ACTION ITEM)

6. Adjournment (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

MAY 28, 2009 **SPECIAL MEETING**

The Police Commission of the City and County of San Francisco met in Room 505, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 4:16 p.m., in a Special Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Mazzucco, Onek, Pan
ABSENT: Commissioner Lee

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

CLOSED SESSION (4:18p.m. to 8:33 p.m.)
PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION

None

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Marshall for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner DeJesus. Approved 6-0.

Thereafter, the meeting was adjourned at 8:34 p.m.

_____
Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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MAY 28, 2009 **SPECIAL MEETING**

The Police Commission of the City and County of San Francisco met in Room 505, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 4:16 p.m., in a Special Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Mazzucco, Onek, Pan
ABSENT: Commissioner Lee

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

CLOSED SESSION (4:18p.m. to 8:33 p.m.)
PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION

None

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Marshall for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner DeJesus. Approved 6-0.

Thereafter, the meeting was adjourned at 8:34 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

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Vice-President

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Commissioner

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Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

NOTICE OF SPECIAL MEETING & AGENDA

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 505
San Francisco, California

FRIDAY, MAY 29, 2009
5:00 p.m.

(CLOSED SESSION)

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Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session pursuant to San Francisco Administrative Code Section 67.10 (ACTION ITEM)

3. Closed Session

   Pursuant to Government Code section 54957(b) and San Francisco Administrative Code section 67.10(b):
   PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session pursuant to Government Code section 54957.1 and San Francisco Administrative Code section 67.12(b) (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session pursuant to Administrative Code section 67.112(a) (ACTION ITEM)

6. Adjournment (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

MAY 29, 2009 **SPECIAL MEETING**

The Police Commission of the City and County of San Francisco met in Room 505, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 4:11 p.m., in a Special Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Mazzucco, Onek, Pan
ABSENT: Commissioner Lee

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 6-0.

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CLOSED SESSION (4:13 p.m. to 9:57 p.m.)
PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION

None

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner DeJesus for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner DeJesus. Approved 6-0.

Thereafter, the meeting was adjourned at 9:57p.m.

_____
Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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Commissioner

THOMAS P MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

NOTICE OF SPECIAL MEETING & AGENDA

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 505
San Francisco, California

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special
revised

FRIDAY, MAY 29, 2009
4:00 p.m.

(CLOSED SESSION)

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session pursuant to San Francisco Administrative Code Section 67.10 (ACTION ITEM)

3. Closed Session

   Pursuant to Government Code section 54957(b) and San Francisco Administrative Code section 67.10(b):
   PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session pursuant to Government Code section 54957.1 and San Francisco Administrative Code section 67.12(b) (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session pursuant to Administrative Code section 67.112(a) (ACTION ITEM)

05-26-09P02:23 RCVD

6. Adjournment (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

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Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

NOTICE OF SPECIAL MEETING & AGENDA

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 505
San Francisco, California

SATURDAY, MAY 30, 2009
9:00 a.m.

(CLOSED SESSION)

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Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session pursuant to San Francisco Administrative Code Section 67.10 (ACTION ITEM)

3. Closed Session

   Pursuant to Government Code section 54957(b) and San Francisco Administrative Code section 67.10(b):
   PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session pursuant to Government Code section 54957.1 and San Francisco Administrative Code section 67.12(b) (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session pursuant to Administrative Code section 67.112(a) (ACTION ITEM)

6. Adjournment (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

MAY 30, 2009 **SPECIAL MEETING**

The Police Commission of the City and County of San Francisco met in Room 505, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 9:14 a.m., in a Special Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee (phone conference), Mazzucco, Onek, Pan

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 7-0.

CLOSED SESSION (9:16 a.m. to 6:03 p.m.)
PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION

None

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Mazzucco for non disclosure. Approved 7-0

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Onek. Approved 7-0.

Thereafter, the meeting was adjourned at 6:03 p.m.

_____
Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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Vice-President

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Commissioner

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Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

NOTICE OF SPECIAL MEETING & AGENDA

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 505
San Francisco, California

SUNDAY, MAY 31, 2009
9:00 a.m.

(CLOSED SESSION)

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Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session pursuant to San Francisco Administrative Code Section 67.10 (ACTION ITEM)

3. Closed Session

   Pursuant to Government Code section 54957(b) and San Francisco Administrative Code section 67.10(b):
   PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session pursuant to Government Code section 54957.1 and San Francisco Administrative Code section 67.12(b) (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session pursuant to Administrative Code section 67.112(a) (ACTION ITEM)

6. Adjournment (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

SPECIAL MEETING
850 Bryant Street, Room 505
San Francisco, CA

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The Commission will not meet on SUNDAY, MAY 31, 2009

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CITY AND COUNTY OF SAN FRANCISCO

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Vice-President

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Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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The Commission will not meet on Wednesday, JUNE 3, 2009

Please join the Commission at its next meeting on Wednesday, JUNE 10, 2009, at 5:30 p.m., in Room 400, at City Hall.

05-29-09P03:25 RCVD

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

NOTICE OF SPECIAL MEETING & AGENDA

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 505
San Francisco, California

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SATURDAY, JUNE 6, 2009
9:00 a.m.

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(CLOSED SESSION)

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session pursuant to San Francisco Administrative Code Section 67.10 (ACTION ITEM)

3. Closed Session

   Pursuant to Government Code section 54957(b) and San Francisco Administrative Code section 67.10(b):
   PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session pursuant to Government Code section 54957.1 and San Francisco Administrative Code section 67.12(b) (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session pursuant to Administrative Code section 67.112(a) (ACTION ITEM)

6. Adjournment (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

Police Department

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June 6, 2009 - Meeting Cancelled

SAN FRANCISCO POLICE COMMISSION

Notice of Meeting Cancellation

Saturday, June 6, 2009
9:00 a.m.

Thomas J. Cahill Hall of Justice
850 Bryant St., Room 505
San Francisco, California

Theresa Sparks
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

Yvonne Y. Lee
Commissioner

Yvonne Lee
Commissioner

David Onek
Commissioner

Vincent Pan
Commissioner

Lt. Joe Reilly
Secretary

The Police Commission will not meet on Saturday, June 6, 2009

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAS BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THEPOLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Commission will hear public comment on all agenda items before or during discussion of the item. The period of time allowed for public comment may be modified by the Chair in the interest of fairness to all those wishing to address the Commission.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7724; FAX

(415) 554-5163; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 10, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular meetings of May 6th & 13, 2009
   - Special meetings of May 23rd, 28th, 29th, and 30, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

06-11-09P12:14 RCVD

3. Public Comment on all matters pertaining to Closed Session.

4. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

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(Closed Session)
Roll Call.

5. Closed Session
   a. Pursuant to Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b): (DISCUSSION & POSSIBLE ACTION)
      PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
      Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C08-120 ALW

(Reconvene to Open Session)

6. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

7. Discussion and possible action to approve the Memorandum of Understanding between the San Francisco Municipal Transportation Agency and the San Francisco Police Department (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 10, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Recruitment and Retention Program Update
      - Department 2009/2010 Budget Update
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Organizational and other contemporary studies
        - Rules and procedures for Patrol Specials
        - Commission Office staffing
        - Subcommittee on Violent Crime

9. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   - Assignment of an Appeal of the Chief's Suspension filed in Case No. JCT D06-179, MCD A 151-05 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   - Assignment of of an Appeal of the Chief's Suspension filed in Case No. JCT D06-180, MCD A151-05 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   - Assignment of of an Appeal of the Chief's Suspension filed in Case No. JCT D06-173, MCD A151-05 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Nominations for Commission President and Vice President
   c. Scheduling of items identified for consideration at future Commission Meetings

10. **Adjournment** (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Central District, at Gordon J. Lau, 950 Clay Street, San Francisco, at 6:00 p.m., on Wednesday, June 24, 2009, to hear comments from the public and Central Station Captain James Dudley concerning public protections issues in the Central District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

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Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
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Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty); at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A sound enhancement system will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

JUNE 10, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:49 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek
ABSENT: Commissioner Pan

(Commissioner Onek was excused at 7:20 p.m.)

ADOPTION OF MINUTES

- **Regular meetings of May 6th & 13, 2009**
- **Special meetings of May 23rd, 28th, 29th, and 30, 2009**

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 6-0.

CHIEF'S REPORT (taken out of order)

Chief Fong introduced Lt. Canning of the Robbery Detail and introduced Mr. John Patrick, ETS, who then presented certificates of recognition to members of the department. Members recognized were Phillip Wong, Marty Lalor, Adriano Castro, Anthony Holder, Patrick Griffin, Steven Spagnuolo, Shawn Jackson, and Robert Byrne.

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PUBLIC COMMENT

Paulette Brown, mother of homicide victim, discussed concerns regarding posters to be posted on Muni buses. Chief Fong stated that she has talked to Deputy Chief Parra and stated that postings on Muni are through specific contracts and that Chief Parra is in discussion with external affairs and that he will report back to the Commission. Commissioner Sparks thanked Ms. Brown for her persistence and for continuing to represent all the mothers of homicide victims.

Champagne Williams, sister of homicide victim, discussed concerns regarding her brother's killer still walking around.

Serena Bridges, sister of homicide victim, discussed concerns regarding her brother's homicide.

Benjamin Castaneda discussed concerns regarding his brother being beat up by officers in the Mission and talked about NAMI, National Alliance Mental Illness.

Unidentified suggested better customer service by police.

Alan White stated that a local TV station heard about the posters and that they are ready to do public service announcements featuring many of the mothers of homicide victims.

Barbara Growth discussed concerns.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 6-0.

Commissioner Sparks stated that she would like to discuss Item a first and then come out with an announcement and then go back to Closed Session to handled Item b.

CLOSED SESSION (6:29 p.m. to 6:56 p.m. on Item a)

a. **PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police**

(Present: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Deputy City Attorney Stump, and Lt. Reilly)

(7:07 p.m. to 7:20 p.m. on Item b)

b. **Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C08-120 ALW**

(Present: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Deputy City Attorney Stump, Attorney Worsham, and Lt. Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Mazzucco for non disclosure. Approved 6-0.

Commissioner Sparks announced that Item b of the Closed Session is continued because the assigned Commissioner have not seen the stipulated disposition and that from now on, all stipulated dispositions will not be calendared until the assigned Commissioner have seen said stipulated disposition agreement. Matter will be continued to the call of Commissioner Mazzucco.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY AND THE SAN FRANCISCO POLICE DEPARTMENT

Director Ken Bukowski, Fiscal Division, presented the MOU between the SF Municipal Transportation Agency and the SF Police Department.

Deputy Chief Parra described some of the changes made to the MOU.

Commissioner Sparks asked about §8.1 of the MOU in regards to assignment of SFPD Traffic Company Officers to Address Surface Transportation Traffic Issues and asked if 100 percent of Traffic Company's function would be on transit-related issues as opposed to all traffic issues. Director Bukowski stated that the Traffic Company's functions are dedicated to address surface transportation issues primarily and stated that the $8.99 million gives a lot more leeway if the SFMTA is only covering about 50 percent of the cost to be able to use the Traffic Company in other ways within the Department as needed.

Commissioner Mazzucco asked what is the reason for entering into an MOU with SFMTA. Director Bukowski stated that basically it is to substantiate what historically been done for a number of years without an MOU and this is needed to get funding from the MTA to cover these services.

Commissioner Sparks stated that it is important that the SFPD maintain pedestrian safety and traffic safety elsewhere in the city other than in specific MTA routes as it relate to traffic lanes, as it relate to bus lanes and that it is important to recognize that there are other traffic issues that Solos are used for other than just keeping the traffic lanes clear for MTA and the MOU language should reflect that.

Deputy Chief Parra, SFMTA, described the operation components of the MOU agreement.

Commissioner Sparks asked that the Commission be added to the list to receive quarterly reports. Commissioner Sparks stated that as long as a detailed MOU is being developed, then it should be developed to truly reflect what we're

trying to achieve.

Public Comment:
None

Commissioner Sparks asked the Chief to maybe prepare a memo to the SFMTA Director memorializing some of the concerns brought up by the Commission.

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 5-0.

RESOLUTION NO. 51-09

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY AND THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves the Memorandum of Understanding between the San Francisco Municipal Transportation Agency and the San Francisco Police Department.

AYES: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco
ABSENT: Commissioners Onek, Pan

REPORTS TO THE COMMISSION

a. Chief's Report (continued)
- **Update on significant policing efforts by Department members**
- **Recruitment and Retention Program Update**
- **Department 2009/2010 Budget Update**

Chief Fong introduced Director Villagomez, Mr. Houston, and Lieutenant Geraty of the Staff Services Division to present the Recruitment and Retention Program update.

Commissioner Lee asked how SFPD's attrition rate compares to other academies. Commissioner Lee also asked about the demographics and percentage that drop out at each step of training.

Public Comment
Officer Nick Borthne, SFPD, discussed some concerns of applicants about joining the SFPD and some of the nature of being a police officer.

CFO Ken Bukowski, Fiscal Division, presented the 2009/2010 budget update.

Commissioner Sparks asked that the Commission be updated after every budget meeting with the Board of Supervisors. She also asked to look at the different studies to find ways to save jobs and maybe to consolidate some district stations in order to avoid layoffs.

Commissioner Mazzucco asked about using retired officers to work one or two times a week to cover for some of the work that needs to be done.

Public Comment
None

Chief Fong read a letter to the President of the Board of Supervisors in regards to the murder of Sergeant John V. Yong of the Ingleside Police Station. Chief Fong stated as follows:

"Dear President Chiu, I am writing this letter to you and the members of the Board of Supervisors on behalf of the men and women of the San Francisco Police Department urging you to carefully consider the passing of any resolution or decree regarding the ongoing San Francisco Superior Court criminal proceedings involving those accused of the August 29, 1971 murder of San Francisco Police Sergeant John V. Young at Ingleside Police Station.

Sergeant John V. Young was getting up from a desk to offer his assistance to a member of the public when he was gunned down and killed inside the police station. A civilian female typist was also shot and wounded during the attack.

The San Francisco Police Department, Federal Bureau of Investigation, and the California Department of Justice have worked for many years in the related ongoing murder investigation. The findings of this investigation have led to the arrests of the accused. The appropriate venue for evaluating the evidence and the testimony in this case is in a court of law.

Those individuals in our community who resort to violence and murder must be held accountable for their actions. This incident exemplifies the dangers that peace officers face on a daily basis, to ensure the safety of the community. When officers make the ultimate sacrifice because of their dedication, the community owes it to these officers and their families to pursue justice. Budgetary constraints should not impact this commitment.

We urge you to respect the judicial process by not moving this item forward."

Commissioner Mazzucco supports the Chief and asked the Board of Supervisors to let the judicial system do what it needs to do and let the court hear the case.

Commissioner Sparks supports the Chief and hopes that the Board will let the judicial process go forward.

Commissioner Sparks asked if the POA has any comments in regards to the budget and asked if there is any provisions in the MOU in regards to layoffs. Mr. Steve Johnson, POA, stated that the POA cannot negotiate that and discussed concerns regarding the budget and resources being cut from the Department. Commissioner Sparks stated that she is hoping that the POA will be present with the Commission when the budget comes before the Board of Supervisors.

b. OCC Director's Report
- Review of Recent Activities

Director Hicks gave a brief update in regards to the OCC's budget.

Public Comment
None

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
Status Reports:
- **Chief of Police executive search**
- **Organizational and other contemporary studies**
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**
- **Subcommittee on Violent Crime**

Chief Fong stated that the fifth lieutenant for Ingleside will be assigned effective on Saturday, Lt. Dan Perea, and a crime analyst will also be assigned to

Ingleside effective Saturday.

Commissioner Mazzucco reported on the rules and procedures for Patrol Specials and stated that Commander Tong has sent out a letter to all the watch commanders in regards to the new rules and regulations for Patrol Specials. Commissioner Sparks also stated that certified letters went out to all Patrol Special officers and those letters undeliverable will be given to their watch commanders for presentation as they check in for their shifts.

Public Comment

Charles Bonner, attorney for Patrol Special Officers organization, discussed concerns regarding revisions of rules and procedures for patrol specials and disclosure of private information of clients.

Commissioner Sparks stated that the Commission will forward Mr. Bonner's request to the City Attorney's Office for review but until such time when changes are made, his clients should fully comply with the interim rules and regulations as adopted by the Commission and that if there is no compliance, they will be subjected to disciplinary procedures as defined in the rules and regulations.

Commissioner Mazzucco explained that the information is asked to be turned in to the San Francisco Police Commission as the regulatory body for the patrol specials and the information will not be disseminated. Commissioner Mazzucco stated that the information will be use to set standards for fairness and so the information will remain confidential.

Routine Administrative Business

a. **Commission Announcements**

- **Assignment of an Appeal of the Chief's Suspension filed in Case No. JCT D06-179, MCD A 151-05 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 52-09, Assigned to Commissioner Sparks)
- **Assignment of of an Appeal of the Chief's Suspension filed in Case No. JCT D06-180, MCD A151-05 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 53-09, Assigned to Commissioner Sparks)
- **Assignment of of an Appeal of the Chief's Suspension filed in Case No. JCT D06-173, MCD A151-05 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 54-09, Assigned to Commissioner Sparks)

b. **Nominations for Commission President and Vice President**

Continued to the call of the Chair until such time that a Police Chief is appointed.

c. **Scheduling of items identified for consideration at future Commission Meetings**

None

Public Comment

None

ADJOURNMENT

Motion by Commissioner Mazzucco to adjourn the meeting in memory of Sergeant John V. Young, Ingleside Station, second by Commissioner Marshall. Approved 5-0.

Thereafter, the meeting was adjourned at 10:21 p.m. in memory of Sergeant John V. Young, Ingleside Station.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 17, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of the Minutes** (ACTION ITEM)
   - Regular Meetings of May 20th and 27, 2009
   - Special Meeting of May 4, 2009

2. **Consent Calendar** (ACTION ITEM)
   - Authorization for subpoenas to be issued in Case Nos. ALW C07-076 & ALW C09-004

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Annual Report on the Department's Civilianization
      - Update regarding the Department's Budget
   b. OCC Director's Report
      - Review of Recent Activities
      - Presentation of 2009 Community Outreach Strategic Plan
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Chief of Police executive search
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

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5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case No. ALW C09-120 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

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Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 17, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. **Routine Administrative Business continued:** (DISCUSSION ONLY)
   a. Commission Announcements
      - Reassignment of the following disciplinary cases:
        C06-018 to Commissioner Pan
        C06-019 to Commissioner Pan
        C05-190 to Commissioner Pan
        C06-131 to Commissioner Pan
        C08-127 to Commissioner Pan
        C08-162 to Commissioner Pan
        C08-048 to Commissioner Pan
        C06-217 to Commissioner Marshall
        C06-218 to Commissioner Marshall
        C06-219 to Commissioner Marshall
        C06-220 to Commissioner Marshall
        C08-079 to Commissioner Onek
        C09-076 to Commissioner Onek
   b. Scheduling of items identified for consideration at future Commission meetings

6. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) respousible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A sound enhancement system will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

JUNE 17, 2009 **REGULAR MEETING**

The San Francisco Police Commission met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:47 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan

(Commissioner DeJesus arrived at 6:14 p.m.)

APPROVAL OF THE MINUTES

- **Regular Meetings of May 20th and 27, 2009**
- **Special Meeting of May 4, 2009**

Motion by Commissioner Mazzucco, second by Commissioner Lee. Approved 7-0.

Public Comment

None

17/09

CONSENT CALENDAR

- **Authorization for subpoenas to be issued in Case Nos. ALW C07-076 & ALW C09-004**

Withdrawn

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

a. **Chief's Report**

- **Update on significant policing efforts by Department members**
- **Annual Report on the Department's Civilianization**
- **Update regarding the Department's Budget**

Chief Fong introduced Director Alice Villagomez to present the annual report on the Department's Civilianization.

Commissioner Sparks asked if a comparison was made with other similar agencies to identify whether or not the SFPD has identified all positions available that need to be civilianized. Director Villagomez stated yes and that the Human Resources Committee's annual project was on civilianization and while working on that committee they evaluated what other larger police departments are facing across the country. She stated that many are experiencing reversed civilianization.

Commissioner Sparks asked if it would have been less expensive to fill all the civilianization positions and take the officers and put them in the field, and reduce the number of officers that need to be trained from scratch. Director Villagomez stated that the original report from the Controller's Office recognized that there was a shortage of police officers, there was an option in identifying projected savings by hiring civilian employees in various functions or looking at deferring the combination of additional positions and adding the 43 additional sworn positions that were needed to come to the next academy class. She stated that question has always been that if there is no sufficient budgeted positions for the sworn to meet the Charter mandate then all of the civilian positions, which are an addition to the necessity to have police officer positions budgeted and that is why they have been incrementally added to the budget.

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Director Bukowski stated that in this budget year the Department have no funding for new civilian positions and that the Department may not have funding for new officers position next year. He stated that basically there is no new funding and that the Department is not able to shift positions from one place to another.

Commissioner Onek asked if the 0941 Manager VI position is the position that would help in overseeing the PERF recommendations. Chief Fong stated that yes, that is the position and that a recruitment was done but there is currently no funding for that position. Chief Fong explained that the Department has to keep fighting for the position to be funded because it is a critical position in implementing the recommendations. Chief Fong stated that the Department will continue to request for approval and funding or try to find it somewhere in the budget.

PUBLIC COMMENT
None

Chief Fong introduced Chief Financial Officer Bukowski to present the budget update. CFO Bukowski presented the update and stated that the first meeting with the Budget Committee will be tomorrow.

Commissioner Sparks asked for a copy of the Budget Analyst's report when it is finalized and would like the budget update on the agenda continuously.

PUBLIC COMMENT
Barbara Growth discussed concerns regarding civilianization of the Department.

b. OCC Director's Report
- Review of recent activities
- Presentation of 2009 Community Outreach Strategic Plan

Director Hicks reported on pending cases and mediation. Director Hicks stated the OCC open 474 cases since January 1st of this year, closed 459, sustained 20 cases. She also stated that there are 407 pending cases, 97 from 2008 and 310 for 2009. Director Hicks stated that the OCC mediated 35 cases to date.

Director Hicks introduced Ms. Inez Fraenkel who presented the 2009 Community Outreach Strategic Plan.

Commissioner Sparks asked about the selection criteria process in selecting community-based organizations. Ms. Fraenkel stated that they have developed relationships with different CBOs that have come to the OCC through different avenues and the OCC simply reached out to them and continued the relationship with the different CBOs.

Commissioner Lee asked if the Director has considered using one or two main CBOs to help with intake of complaints to let people know that there are other ways to file a complaint. Director Hicks stated that the OCC has 24-hour answering service so that complainants can receive a call back and that individuals do not have to go to the office and complaints can be taken over the phone. Commissioner Lee requested that language service be within the first five seconds of the 24-hour answering service.

Commissioner DeJesus requested that the PSA announcements should be culturally appropriate to the different cultures in the city. Commissioner DeJesus also suggested about inquiring about a grant to pay for televised PSAs.

Commissioner Pan expressed the concern that the name "Office of Citizen Complaints" is too general and also asked if there is a direct link to the OCC's website on the Department's website. Director Hicks stated that yes there is a link on the Department's website for the OCC.

PUBLIC COMMENT

None

c. **Commission Reports**

- **Commission President's Report**
- **Commissioners' Reports**

Status Reports:

- **Chief of Police executive search**
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**

Commissioner Sparks announced that there is a new Chief of Police that will be starting early August. She talked about the process that the Commission went through in regards to the search for a new Chief of Police. Commissioner Sparks reported that the Commission received 88 applications, including internal and external applications. From the 88 applications, the Commission selected 26 to be interviewed by the search consultant and 13 were selected for personal interviews by the Commission. From the 13 applicants interviewed, the Commission chose three individuals for recommendation to the Mayor. Commissioner Sparks stated that as of today, the Mayor announced George Gascon as the Chief of Police of the City and County of San Francisco.

Commissioner Sparks thanked all the Commissioners for their commitment and participation in the search process and thanked Lieutenant Reilly and Risa Tom for their help and support.

Commissioner Pan thanked all the candidates who participated in the search but were not offered the position. Commissioner Pan stated that the Commission was extremely impressed with all the candidates and for their passion for the work.

Commissioner Mazzucco thanked Commissioner Sparks for her dedication and leadership and her commitment to the search process.

PUBLIC COMMENT

Barbara Growth discussed concerns regarding article by the Chronicle.

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**

- **Assignment of Disciplinary Charges filed in Case No. ALW C09-120 to an individual Commission for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 55-09, Assigned to Commissioner Thomas Mazzucco)
- **Reassignment of the following disciplinary cases:**

  C06-018 to Commissioner Pan (Resolution No. 56-09)
  C06-019 to Commissioner Pan (Resolution No. 57-09)
  C05-190 to Commissioner Pan (Resolution No. 58-09)
  C06-131 to Commissioner Pan (Resolution No. 59-09)
  C08-127 to Commissioner Pan (Resolution No. 60-09)
  C08-162 to Commissioner Pan (Resolution No. 61-09)
  C08-048 to Commissioner Pan (Resolution No. 62-09)
  C06-217 to Commissioner Marshall (Resolution No. 63-09)
  C06-218 to Commissioner Marshall (Resolution No. 64-09)
  C06-219 to Commissioner Marshall (Resolution No. 65-09)

C06-220 to Commissioner Marshall (Resolution No. 66-09)
C08-079 to Commissioner Onek (Resolution No. 67-09)
C09-076 to Commissioner Onek (Resolution No. 68-09)

b. Scheduling of items identified for consideration at future Commission meetings

Commissioner Sparks asked Chief Fong for a list positions that have been assigned to non-public contact positions within the Department, how long they have been assigned to it, how long have they been participating in those positions. Commissioner Sparks also would like the policies and criteria used to assigned those individuals to those positions. Commissioner Sparks would like a presentation on this matter but public discussion.

Commissioner Marshall would like to discuss establishing certain procedures in regards to discipline.

Commissioner Sparks asked that the election of Commission officers be calendared for next week.

Commissioner Lee would like a meeting in Chinatown. Commissioner Sparks suggested meeting in Chinatown in August and Treasure Island in September.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 7-0.

Thereafter, the meeting was adjourned at 7:45 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

JUNE 19, 2009

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SAN FRANCISCO POLICE COMMISSION

Notice of Meeting Cancellation

The Commission will not meet on Wednesday, JUNE 24, 2009.

Please join the Commission at its next meeting on Wednesday, July 1, 2009, at 5:30 p.m., in Room 400, at City Hall.

06-22-09A08:04 RCVD

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